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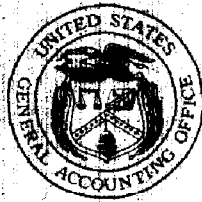
GAO

Report to the Chairman, Subcommittee on  
Postal Personnel and Modernization,  
Committee on Post Office and Civil  
Service, House of Representatives

May 1989

# POSTAL SERVICE

## Discipline Practices Vary



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United States  
General Accounting Office  
Washington, D.C. 20548

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General Government Division

B-231280

May 19, 1989

The Honorable Frank McCloskey  
Chairman, Subcommittee on Postal  
Personnel and Modernization  
Committee on Post Office and  
Civil Service  
House of Representatives

Dear Mr. Chairman:

This report is in response to the Subcommittee's request that we review the disciplinary policies and practices in the U. S. Postal Service. The information in this report is expected to be the subject of a hearing scheduled for May 23, 1989, by your Subcommittee.

Copies of this report are also being sent to the House Committee on Post Office and Civil Service, the Subcommittee on Postal Operations and Services, the Postal Service Board of Governors, and the Postmaster General. Copies will also be made available to other interested parties upon request.

Major contributors to this report are listed in appendix IV.

Sincerely yours,

A handwritten signature in cursive script that reads 'L. Nye Stevens'.

L. Nye Stevens  
Director, Government  
Business Operations Issues

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# Executive Summary

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## Purpose

Discipline is a contentious issue for the United States Postal Service, which is the Nation's largest civilian employer, with a workforce of about 780,000 employees. In fiscal year 1987, the Service imposed more than 69,000 formal disciplinary actions on its workers. Disciplinary actions for 26 categories of infractions included warning letters, suspensions, and, in about 10 percent of the cases, dismissals from the Service. (See p. 8.)

The Chairman of the House Post Office and Civil Service Subcommittee on Postal Personnel and Modernization was concerned that postal employees may be penalized differently for similar infractions and in similar circumstances. He asked GAO to determine whether Postal Service disciplinary policies and procedures provide a Service-wide program of discipline with uniform disciplinary actions for similar infractions. (See pp. 8 and 9.)

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## Background

Supervisors are given wide latitude in determining whether to use predisciplinary discussions for offending employees in lieu of issuing formal discipline and in selecting what penalties to impose for disciplinary infractions. Supervisors are to consider the nature, seriousness, and circumstances of the offense, the employee's past record, and the penalties normally imposed for similar offenses under similar circumstances in the same installation. (See pp. 12 to 14.)

Although absolute consistency in handling rule violations is impossible, the generally accepted principle is that enforcement of rules and assessment of discipline must be exercised in a consistent manner. This principle recognizes that supervisors need flexibility in selecting a penalty to take into account the circumstances in individual cases, but rules followed in making decisions to discipline employees and in selecting a penalty should be the same. (See p. 14.)

To identify the Service's discipline practices, GAO examined the documentation for 145 discipline cases in three divisions, interviewed 128 supervisors involved in those cases, researched arbitration cases where rulings addressed the issues in this report, and analyzed Service-wide data from the Service's Discipline Tracking System for disciplinary actions from December 1985 through March 1988. (See pp. 9 to 11.)

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## Results in Brief

The Postal 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. 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, IL, Division, about 3 percent received letters of warning and about 79 percent received 7-day suspensions.

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 a number of factors inherent to deciding on the application of discipline. Clarification of factors, including which infractions are major or minor, when to hold predisciplinary discussions, how to consider prior infractions, and the extent concurring reviews are to be used, should enhance the consistency of disciplinary actions.

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## GAO Analysis

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### Disagreements Over Use of Predisciplinary Discussions

Service policy says that for minor offenses, supervisors should try to correct undesirable behavior through discussion with the employee. The policy does not say which infractions are considered minor offenses, how many discussions should be held before disciplinary action is taken, or whether discussions should precede disciplinary action for subsequent but different infractions. (See p. 13.)

Supervisors disagree on which infractions are minor offenses and when discussions should be given in lieu of discipline. About 68 percent of the supervisors GAO interviewed said discussion sessions are required for each new infraction regardless of past discussions for different infractions. The other 32 percent disagreed. Because discussions may be handled differently, some employees may receive more opportunities to correct their behavior before being disciplined than others. (See p. 13.)

## Penalties Are Selected Differently

Nationwide Postal Service discipline data indicate that employees who engage in the same category of misconduct and who have the same number of prior infractions are frequently penalized differently. (See pp. 14 to 25.)

Supervisors are told that an employee's record of previous offenses may be used to determine the appropriate disciplinary penalty, but there is no precise instruction for how to consider prior infractions. About 49 percent of the supervisors GAO interviewed said they have discretion in deciding what priors to consider. Some supervisors considered only similar prior offenses, while others considered all prior offenses in selecting a penalty. In the 119 cases GAO examined involving priors, 59 percent of the supervisors considered all prior disciplinary actions regardless of the infractions involved. (See pp. 27 to 29.)

Supervisors also varied in the recency of prior actions they considered—from 3 months to the entire period of employment of the employee—and in how they considered past infractions that have been grieved and either reduced or not decided. In the 80 cases GAO examined where priors were still in the process of being grieved, 82 percent of the supervisors did not consider those unresolved prior infractions. In the 22 cases GAO examined involving grieved priors that were settled, 55 percent of the supervisors considered the original penalty and 45 percent considered the revised penalty. (See p. 27.)

Although national Service policy states that discipline should be progressive, no definition of a specific progressive sequence is provided. About 50 percent of the supervisors GAO interviewed believed the definition of progressiveness is limited to a letter of warning, followed by suspensions of increasing length, followed by removal. The remaining 50 percent did not. Arbitrators cited lack of progressiveness as a basis for reducing about 10 percent of arbitrated grievances in one division GAO reviewed. (See pp. 30 and 31.)

In the absence of guidance explaining how penalties should be assessed progressively, supervisors are allowed to establish their own pattern of progression. In the Louisville Division, absenteeism offenders were given 7-day suspensions for second offenses about 51 percent of the time, and almost as many (40 percent) did not progress beyond a letter of warning for a second absenteeism offense. (See pp. 17, 30, 31, and 32.)

There are no specific instructions requiring officials who review proposed suspensions and removals for adequacy of documentation to examine penalties for consistency. Such a requirement would strengthen the control feature of the review. (See pp. 32 and 33.)

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## Recommendations

To enhance the consistency and predictability in the enforcement of the Service's work rules, GAO recommends that the Postmaster General direct the Senior Assistant Postmaster General, Human Resources, to

- define major and minor offenses to clarify when predisciplinary discussions should be given in lieu of discipline;
- clarify whether predisciplinary discussions should precede disciplinary action for subsequent, but different, infractions committed by the same employee;
- 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; and
- issue guidance to require concurring officials to review proposed suspensions and removals for consistency of penalties. (See pp. 33 and 34.)

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## Agency Comments

Regarding GAO's two recommendations on holding predisciplinary discussions, the Service said modified discipline procedures being tested at various facilities—while not categorizing individual offenses as major and minor—specify the circumstances under which predisciplinary discussions are required. The procedures being tested, which are subject to collective bargaining with the unions, deal with the problems of distinguishing between major and minor offenses and the handling of subsequent, but different, infractions by the same employee. Accordingly, GAO believes these modified procedures, if successfully implemented nationwide, would be responsive to its recommendations.

Consistent with GAO's other recommendations, the Service said it plans to remind its supervisors of guidance on how to consider prior infractions and will require concurring officials to ensure the appropriateness and consistency of discipline. (See pp. 34 and 35.)

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**Abbreviations**

AWOL	Absent Without Leave
DTS	Discipline Tracking System
EEO	Equal Employment Opportunity

# Introduction

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The United States 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 Postal 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 codified unacceptable behavior into 26 categories called infractions. These infractions include specific misbehavior, such as tardiness and misdelivery of mail, as well as more general categories, such as failure to follow instructions and failure to properly perform duties.

Disciplinary actions include letters of warning, suspensions of varying lengths, or removals. For fiscal year 1987, the most recent year for which data were readily available, the Postal 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.

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## Discipline Should Be Tailored to the Circumstances

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 the same, 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 consistently followed.

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## Objectives, Scope, and Methodology

The Chairman, Subcommittee on Postal Personnel and Modernization, through the Chairman, House Committee on Post Office and Civil Service, requested that we review the disciplinary policies and practices in the Postal Service to determine whether employees receive uniform discipline for similar offenses. The Chairman also questioned whether existing recordkeeping systems allow for the monitoring of disciplinary actions sufficient to identify and alert officials when a particular location or group of employees is receiving disparate treatment.

As agreed with the Subcommittee, our objectives were to

- determine if Postal Service disciplinary policies and procedures provide a Service-wide program of discipline with uniform penalties for similar offenses;
- determine if the Service has an evaluation system capable of identifying whether different locations are imposing the same penalties for cases involving the same infraction and the same number of prior infractions; and
- determine if existing Postal Service disciplinary reporting and tracking systems provide adequate information for determining whether there are EEO (equal employment opportunity) implications of discipline, whereby different racial groups are receiving different penalties for cases involving the same infraction and the same number of prior infractions.

To make our analysis of the consistency of disciplinary actions, we relied on the Postal Service's categorizations of misconduct. The Service uses the term "infraction" when referring to a charge of misconduct that falls into one of 26 defined infraction categories, such as absenteeism, unsafe act, and failure to follow instructions. Although the categories cover similar acts of misconduct, the actual offenses may vary in seriousness. For example, according to Service definitions, the absenteeism infraction category includes charges involving excessive use of approved leave, which occurs primarily in the form of unscheduled absences. The absenteeism may be charged for a variety of circumstances, ranging from infrequent absences to a long pattern of repeated absences. The Service maintains data on what infraction category the misconduct falls under but does not indicate the relative seriousness of the particular offense. Throughout this report, our references to infraction refer to the Service categorization of an offense into one of the 26 defined infraction categories.

To become familiar with the Service's discipline practices, we reviewed applicable regulations and policies, talked to headquarters officials responsible for program administration, and visited three division offices (Van Nuys, California; Cleveland, Ohio; and Dallas, Texas) to determine how each handles the authority to discipline employees. These divisions represent three of the five Service regions. We interviewed 128 supervisors and officials who review proposed suspensions and removals at the three locations, along with Labor Relations officials at each location, to determine their discipline practices and how they

understood discipline policies. We used a structured interview questionnaire. We also examined policy documentation, including personnel manuals and memoranda, used in establishing discipline procedures.

At the three division offices, we examined 145 case files that represented a broad cross-section of penalties by infraction and number of priors. For each case, we reviewed related personnel files, discipline files, and appeal files where applicable. We examined the documentation in the files to identify what procedures were followed in holding disciplinary discussions, considering priors, and considering progressive-ness of penalties. The results of our case studies are not statistically projectable, because cases were judgmentally selected on the basis of type of infraction, number of prior offenses, and penalties imposed. Due to staff constraints, we could not review all 74 postal divisions or review a statistically meaningful sample of the 74 divisions. According to the Assistant Postmaster General, Employee Relations Department, however, the employee relations climate and discipline procedures followed at the three divisions we visited should be typical of those found in most divisions.

To obtain third-party opinions on the imposition of postal discipline penalties, we reviewed all available bargaining unit employee discipline cases resolved through arbitration during fiscal year 1987 at the three divisions. For these arbitration cases, we summarized factors that, according to the arbitrator's decision, had resulted in the reduction or cancellation of the imposed discipline.

To evaluate the consistency of disciplinary actions, we analyzed data compiled by the Service's Discipline Tracking System (DTS) for the period December 1985 through March 1988, by division, for the five most frequently cited categories of infractions (comprising approximately 75 percent of total infractions). The top infractions include failure to maintain a regular work schedule/absenteeism, absent without leave, failure to follow instructions, unsafe act or work habits, and poor work performance/failure to properly perform. Our analyses compared the penalty selected by the supervisor for the same infraction and the same number of prior infractions of any kind. Factors involving judgments on the circumstances surrounding individual cases are not included in the DTS and were excluded from our analyses. Although our analyses are based on the best available Postal Service data, their limitations prevent us from determining how much variation in penalties was justified by the circumstances in individual cases.

To determine the capability and use of the DTS or any other information systems for monitoring consistency and EEO implications, we interviewed headquarters and regional officials, examined system documentation, and analyzed reports generated by the DTS. As discussed in appendix II, the DTS data are reliable within broad parameters. Service officials responsible for the DTS indicated that the current system database is about 90-percent accurate, and the errors largely pertain to closure data that were not relevant to the use we were making of the system. The Assistant Postmaster General, Employee Relations Department, said he believed that the accuracy of DTS was sufficient for our intended use. Our examination of the accuracy of 99 disciplinary cases identified 8 cases with errors that affected the DTS data used in this report. On the basis of this test and the opinion of the Assistant Postmaster General, we did not believe the DTS error rate should preclude our use of the data.

Our work, which followed generally accepted government auditing standards, was done between April 1988 and December 1988. The Postal Service provided written comments on a draft of this report. These comments are highlighted in chapter 2 and included in full in appendix III.

# Disciplinary Guidance Needs to Be More Definitive

Craft employees of the U.S. Postal Service work under uniform rules and are paid under uniform schedules, but when behavior requires correction, disciplinary treatment is not comparably uniform. 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.

## Discipline—Purpose and Process

The Postal Service's disciplinary procedures (Supervisor's Guide to Handling Grievances—Handbook EL-921) say that the main purpose of any disciplinary action is to correct undesirable behavior by an employee. The procedures stress that all actions must be for just cause, and, unless justified by the circumstances, the action must be progressive and corrective.

Collective bargaining agreements between the Postal Service and employees' unions cite, as examples of just cause, insubordination, pilferage, intoxication (drugs or alcohol), incompetence, failure to perform work as requested, violation of the terms of the agreement, or failure to observe safety rules and regulations.

The Postal Service employs the traditional approach to discipline, which is based on the theory that various standards of conduct and productivity can be achieved and maintained through a system of ever-increasing degrees of punishment. Such a system is called corrective, or progressive, discipline. As outlined in collective bargaining agreements, the progression is from a predisciplinary discussion (for minor offenses) with the employee through a step-by-step disciplinary process—from letter of warning, to suspension of 14 days or less, to suspension of more than 14 days, to discharge. Suspensions and removals are to be reviewed and concurred in by the installation head or designee.

After official notification, an employee may appeal a disciplinary action through an internal grievance process and, if not satisfied with the final internal decision, to external binding arbitration. These arbitrators are not Postal Service or union employees, although all costs, fees, and expenses charged by an arbitrator are to be shared equally by both parties. According to the Senior Assistant Postmaster General, Human Resources, arbitration is considered in the Service as the guarantee of

ultimate fairness, largely because arbitrators independently examine the issues involved in cases, including consistency and potential disparities.

## Predisciplinary Discussions

For minor offenses, Handbook EL-921 says that supervisors should try to correct undesirable behavior through discussion with an employee. This provides the employee an opportunity to correct undesirable behavior and avoid discipline. The Handbook does not say which infractions are considered minor offenses, and supervisors are not instructed as to the number of discussions that should be held before they issue a disciplinary action. Also not explained is whether discussions should precede disciplinary action for subsequent, but different, infractions committed by the same employee. Because discussions are handled differently, some employees may receive more opportunities than others to correct their behavior before being disciplined, as shown in table 2.1.

**Table 2.1: Supervisors' Responses Regarding Prediscipline Discussions<sup>a</sup>**

	Yes		No	
	Number	Percent	Number	Percent
1. Do supervisors have discretionary authority in deciding the number of prediscipline discussions?	124	97	4	3
2. Are discussion sessions required for each new infraction regardless of past discussions for different infractions?	87	68	40	32

<sup>a</sup>The total number of responses varies because one supervisor did not respond to all questions.

Comments by supervisors also indicate they disagree on which infractions are major offenses. For example, a safety violation was considered a major offense by one supervisor and a minor one by another supervisor. Two supervisors considered AWOL (absent without leave) a borderline infraction between major and minor. One of these supervisors said that because it is borderline, an official discussion is warranted. The other supervisor would discipline the employee for being AWOL.

## Selection of a Penalty

Handbook EL-921 tells supervisors that one of the most difficult areas of discipline is determining the amount or type of discipline to be issued for a particular offense. Supervisors are also told that the Postal Service generally does not subscribe to any formula discipline where a table of penalties is maintained for particular offenses. The handbook says that disciplinary action should be tailored to the particular circumstances and lists the following items for consideration in assessing discipline:

- The nature and seriousness of the offense.
- The past record of the employee (previous discipline, commendations, awards, etc.).
- The circumstances surrounding the particular incident.
- The amount of discipline normally issued for similar offenses under similar circumstances in the same installation.

The handbook points out that collective bargaining agreements also provide that discipline be corrective in nature rather than punitive.

The handbook also tells supervisors to be concerned about consistent treatment of employees. It also says that the Postal Service feels that unless a penalty is so far out of line with other penalties for similar offenses as to be discriminatory, arbitrators should make no effort to equalize penalties. The handbook points out that arbitrators do not always share this view and that the Postal Service should be prepared to justify why a particular employee may have been issued a more severe discipline than others.

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 (i.e., all employees who engage in the same type of misconduct must be treated essentially the same unless a reasonable basis exists for variations in the assessment of punishment.)<sup>1</sup>

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### Analysis of Assessed Penalties Indicate Different Treatment

We analyzed the consistency of disciplinary actions for the period December 1985 through March 1988, by division, for selected infraction categories contained in the DTS. These data indicate that employees who commit the same infraction and who have the same number of prior infractions are frequently penalized differently. A discussion of the methodology and tabular results of our analysis of the DTS data are contained in appendix II.

To supplement our analysis of the penalty distributions for the absenteeism and unsafe act infraction categories, we computed the penalty distributions for cases with one prior infraction of any kind for every

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<sup>1</sup>How Arbitration Works, (Fourth Edition), by Frank Elkouri, Cross Research Professor of Law, University of Oklahoma and Edna Asper Elkouri, J.D., The George Washington University Law School (The Bureau of National Affairs, Inc. Washington, D.C.)



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division<sup>2</sup> in all five regions. The data showed widespread variations both within and among divisions in penalties for these second offenses.

### Variations Within Divisions

Even distribution of a division's penalties, with no one penalty predominant, indicates that assessed penalties within the division varied considerably for the same infraction.

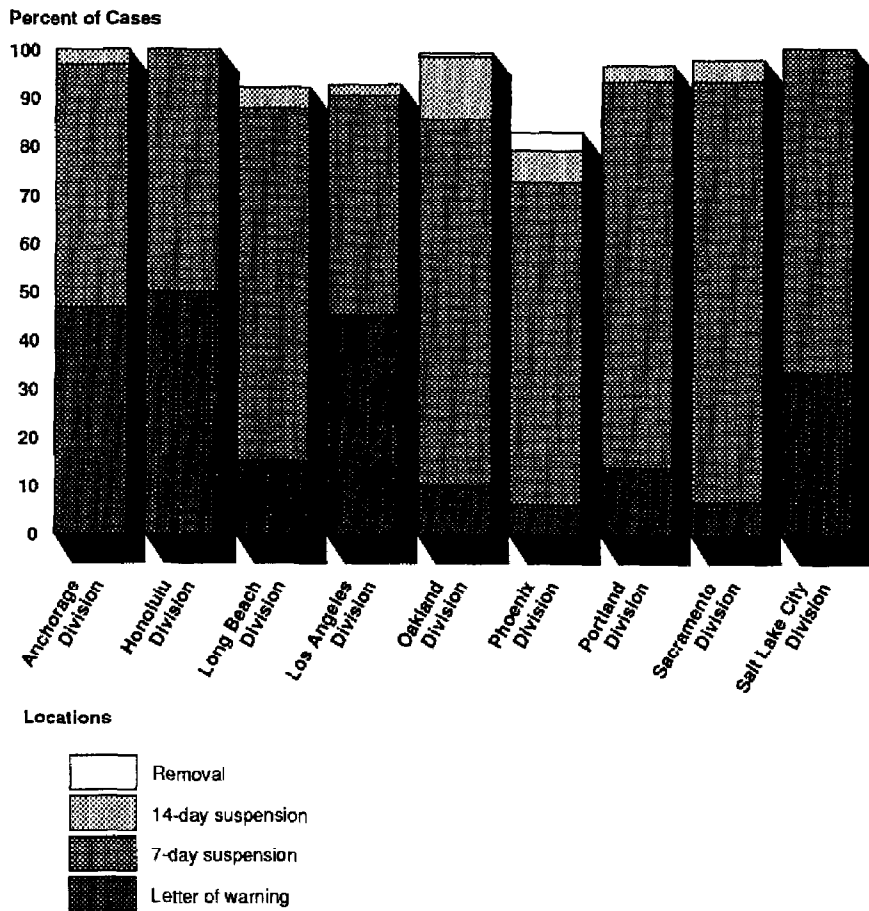
The distribution of Los Angeles penalties for absenteeism and unsafe act, with one prior infraction of any kind, is an example of the lack of a predominant, consistent penalty. For both infraction categories, Los Angeles issued letters of warning in about 45 to 46 percent of the cases and either suspensions or removals in about 46 to 47 percent of the cases. (See figs. 2.1 and 2.2.)

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<sup>2</sup>Two of the 74 divisions had no data available for the unsafe act infraction category.

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More Definitive**

**Figure 2.1: Distribution of Penalties for Absenteeism, With One Prior Infraction, for Selected Divisions in the Western Region**

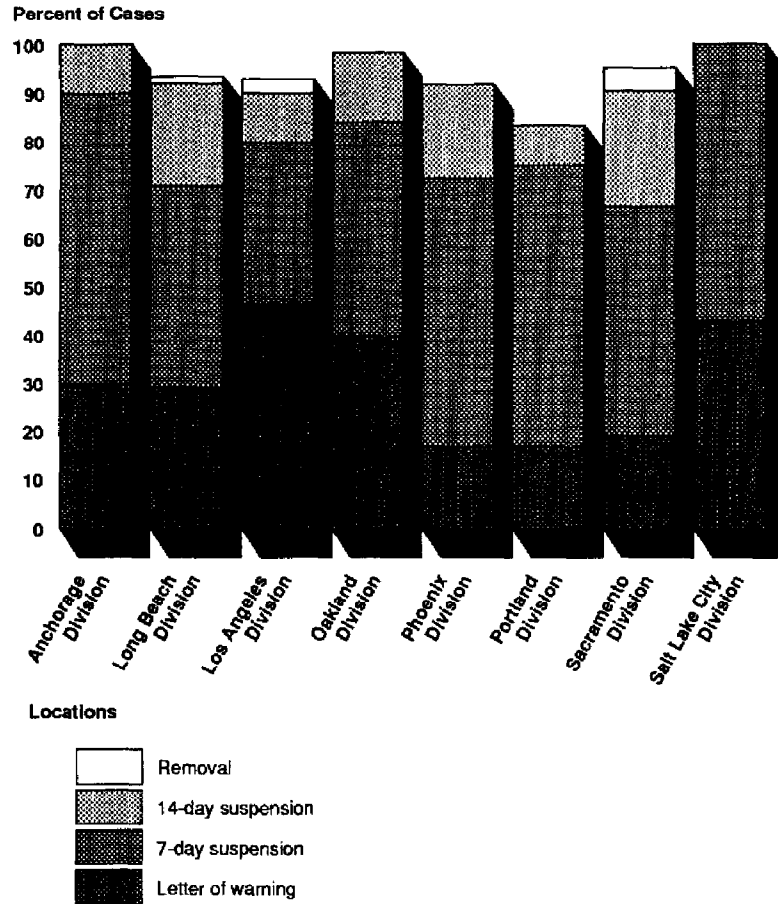


Note 1: Totals do not always add to 100 percent because some suspensions are of lengths other than 7 or 14 days, and/or some data were unreadable.

Note 2: Based on Discipline Tracking System data—December 1985 through March 1988.

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**Figure 2.2: Distribution of Penalties for Unsafe Act or Work Habits, With One Prior Infraction, for Selected Divisions in the Western Region**



Note 1: Totals do not always add to 100 percent because some suspensions are of lengths other than 7 or 14 days, and/or some data were unreadable.

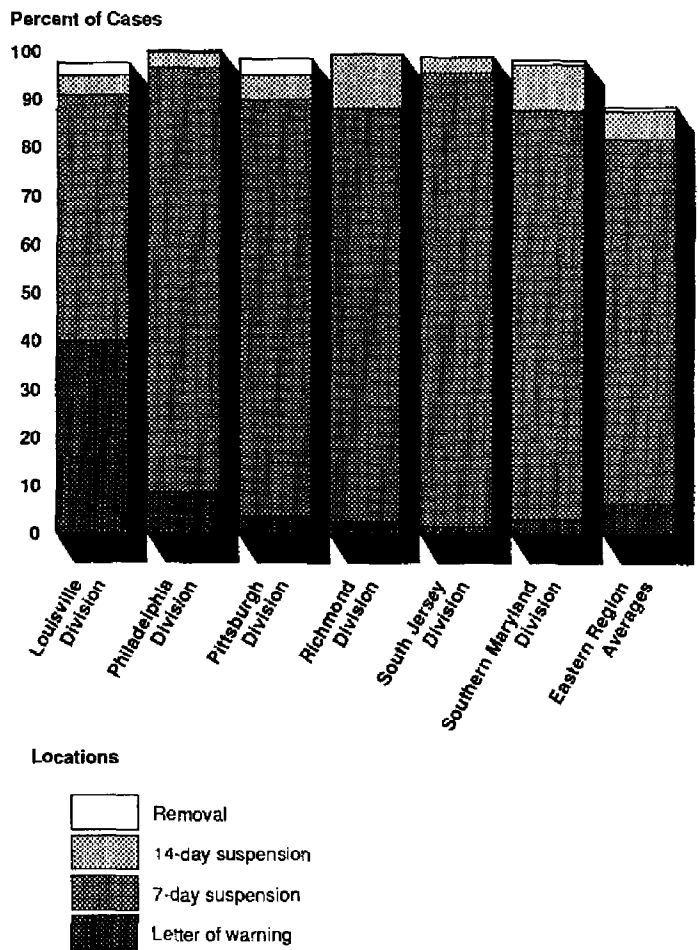
Note 2: Based on Discipline Tracking System data--December 1985 through March 1988.

Note 3: No data available for Honolulu Division for this infraction category.

These variances are evident within divisions in all of the regions for both infraction categories. For example, in the Eastern Region, the Louisville Division issued letters of warning about 40 percent of the time when an employee's second offense involved absenteeism and 7-day suspensions about 51 percent of the time. (See fig. 2.3.)

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**Figure 2.3: Distribution of Penalties for Absenteeism, With One Prior Infraction, for Selected Divisions in the Eastern Region**

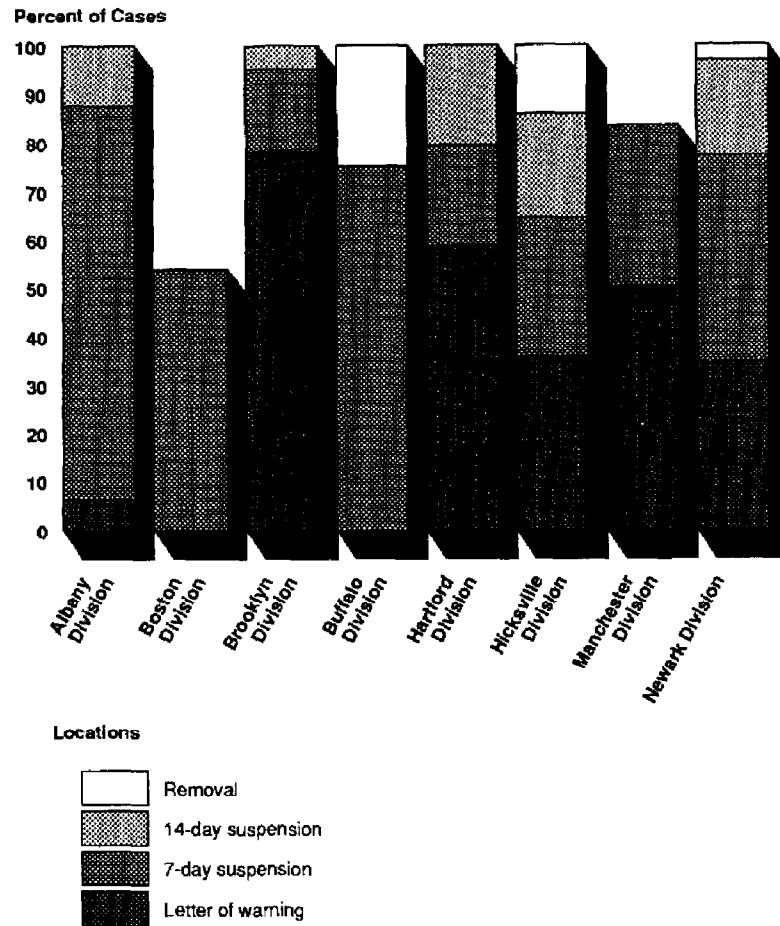


Note 1: Totals do not always add to 100 percent because some suspensions are of lengths other than 7 or 14 days, and/or some data were unreadable.

Note 2: Based on Discipline Tracking System data—December 1985 through March 1988.

Similarly, in the Northeast Region, the Newark Division issued letters of warning in about 34 percent of its second offense unsafe act cases, 7-day suspensions in about 43 percent of its cases, and 14-day suspensions in about 20 percent of its cases. (See fig. 2.4.) This distribution does not provide a clearly predominant penalty, indicating significant variance in penalties within the division.

**Figure 2.4: Distribution of Penalties for Unsafe Act or Work Habits, With One Prior Infraction, for Selected Divisions in the Northeast Region**



Note 1: Totals do not always add to 100 percent because some suspensions are of lengths other than 7 or 14 days, and/or some data were unreadable.

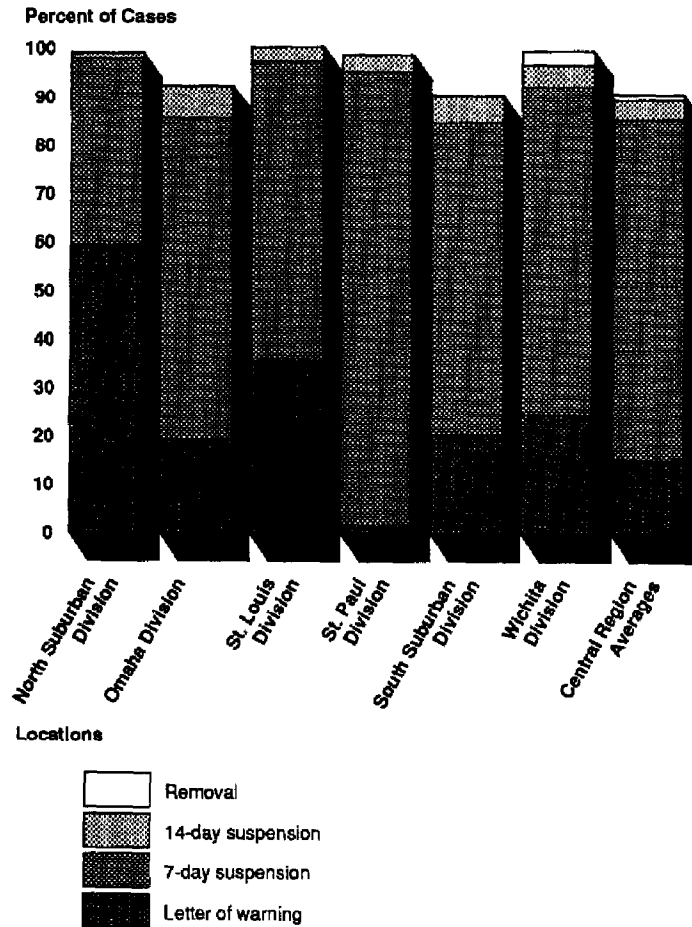
Note 2: Based on Discipline Tracking System data--December 1985 through March 1988.

### Variations Across Divisions

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

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Figure 2.5: Distribution of Penalties for Absenteeism, With One Prior Infraction, for Selected Divisions in the Central Region

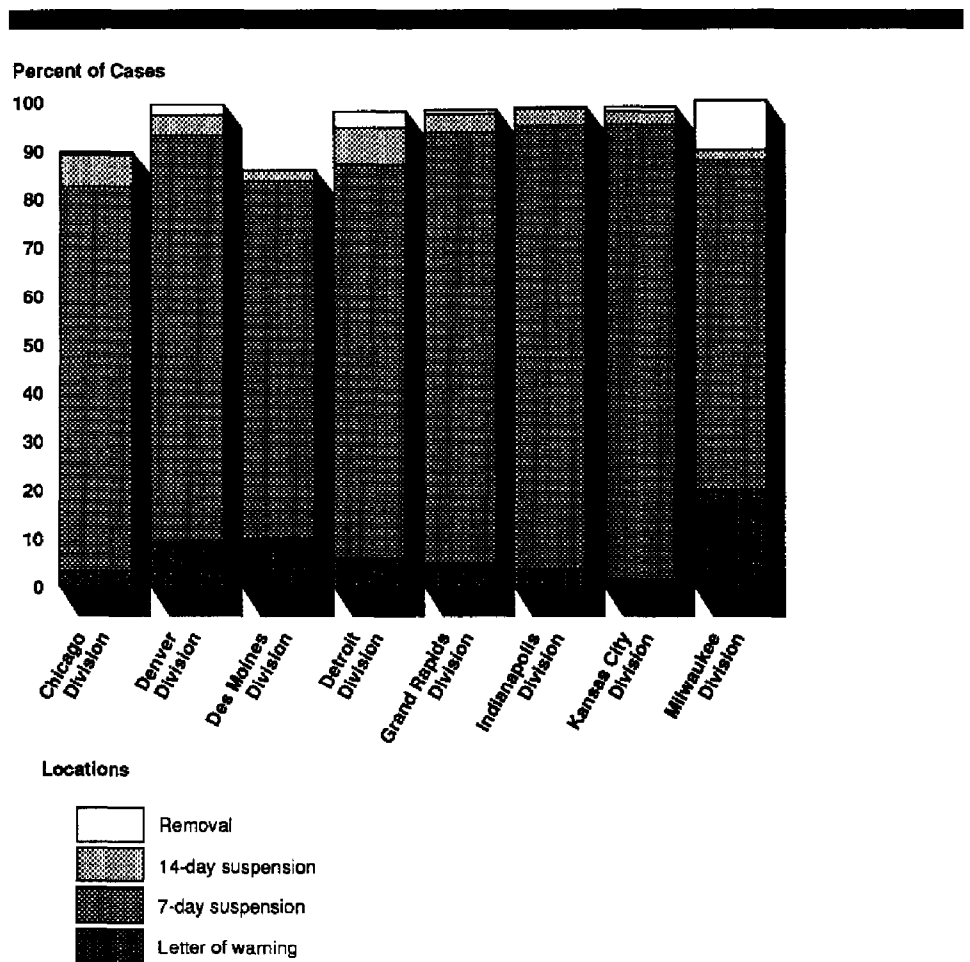


Note 1: Totals do not always add to 100 percent because some suspensions are of lengths other than 7 or 14 days, and/or some data were unreadable.

Note 2: Based on Discipline Tracking System data—December 1985 through March 1988.

about 39 percent of its cases. (See fig. 2.5.) In contrast, in the Chicago, IL, Division, about 3 percent received letters of warning, and about 79 percent received 7-day suspensions. (See fig. 2.6.)

Figure 2.6: Distribution of Penalties for Absenteeism, With One Prior Infraction, for Selected Divisions in the Central Region

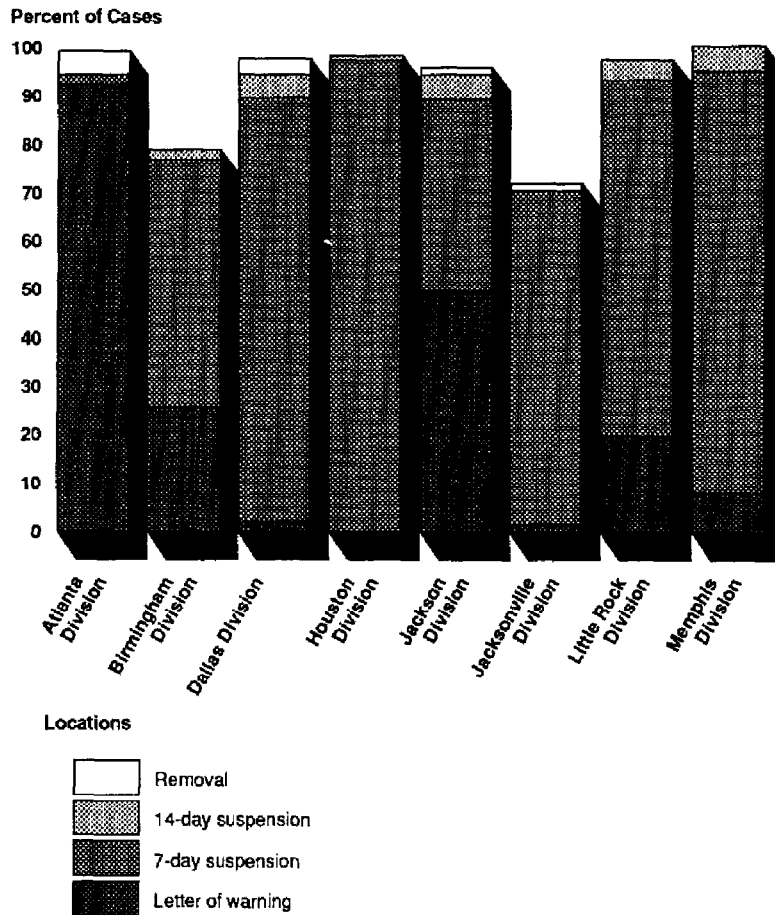


Note 1: Totals do not always add to 100 percent because some suspensions are of lengths other than 7 or 14 days, and/or some data were unreadable.

Note 2: Based on Discipline Tracking System data--December 1985 through March 1988.

Similar differences can be found in other regions. For example, in the Southern Region, Atlanta issued letters of warning involving absenteeism and one prior infraction of any kind in about 92 percent of its cases and issued suspensions or removals about 7 percent of the time. (See fig. 2.7.) In sharpest contrast, Dallas issued letters of warning in about 2 percent of these kinds of cases and issued suspensions and removals about 96 percent of the time.

**Figure 2.7: Distribution of Penalties for Absenteeism, With One Prior Infraction, for Selected Divisions in the Southern Region**



Note 1: Totals do not always add to 100 percent because some suspensions are of lengths other than 7 or 14 days, and/or some data were unreadable.

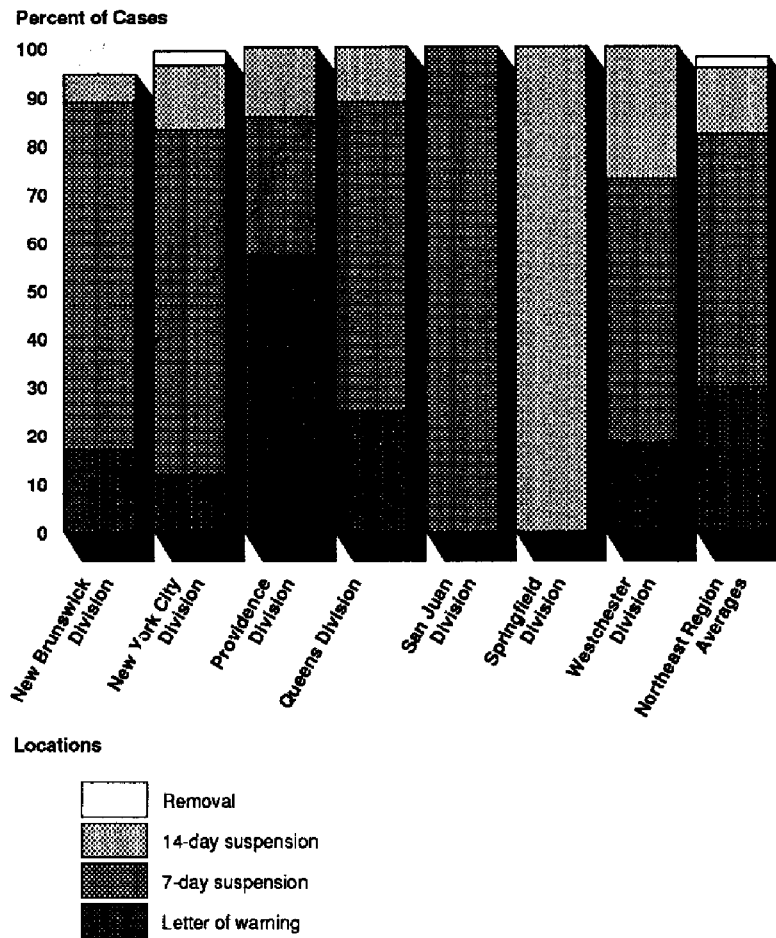
Note 2: Based on Discipline Tracking System data--December 1985 through March 1988.

Similar disparities occurred in the unsafe act infraction category. For example, in Brooklyn, about 78 percent of these cases with one prior infraction received letters of warning, and about 22 percent received suspensions. (See fig. 2.4) In neighboring New York City, however, about 12 percent received letters of warning, and about 85 percent received suspensions for an unsafe act and one prior infraction of any kind. (See fig. 2.8.)



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**Figure 2.8: Distribution of Penalties for Unsafe Act or Work Habits, With One Prior Infraction, for Selected Divisions in the Northeast Region**

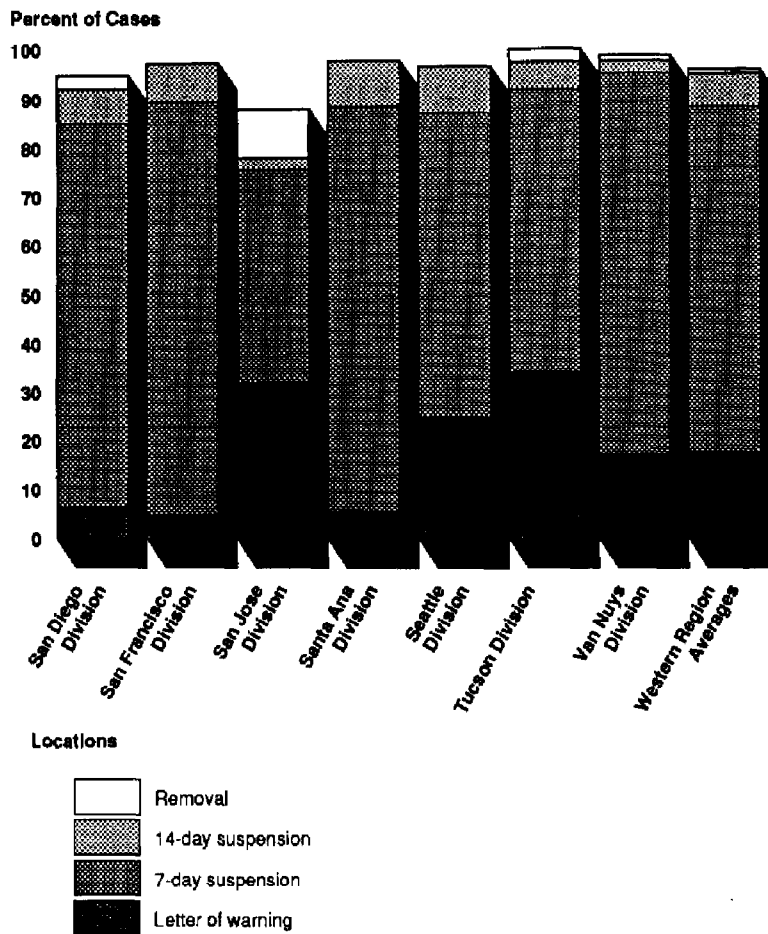


Note 1: Totals do not always add to 100 percent because some suspensions are of lengths other than 7 or 14 days, and/or some data were unreadable.

Note 2: Based on Discipline Tracking System data—December 1985 through March 1988.

The data also show that divisions tend to experience similar penalty distributions for both infraction categories. That is, divisions that are tough on absenteeism offenders also tend to be tough on unsafe act offenders. For example, as mentioned above, Western Region employees whose second offense was either for absenteeism or unsafe act received letters of warning in about 45 to 46 percent of the cases and suspensions or removals in about 46 to 47 percent of cases in Los Angeles (figs. 2.1 and 2.2). In San Diego (figs. 2.9 and 2.10), over 87 percent of the second offenses for both absenteeism and unsafe act resulted in suspensions or

**Figure 2.9: Distribution of Penalties for Absenteeism, With One Prior Infraction, for Selected Divisions in the Western Region**

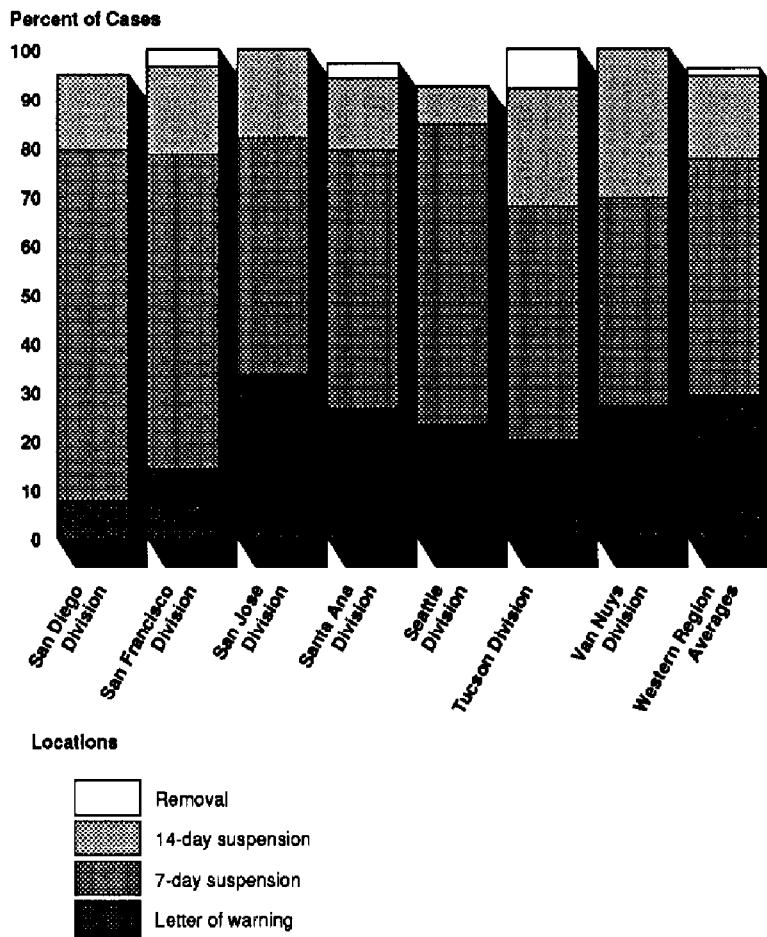


Note 1: Totals do not always add to 100 percent because some suspensions are of lengths other than 7 or 14 days, and/or some data were unreadable.

Note 2: Based on Discipline Tracking System data—December 1985 through March 1988.

removals, and about 6 to 7 percent of the cases in each infraction category resulted in letters of warning.

**Figure 2.10: Distribution of Penalties for Unsafe Act or Work Habits, With One Prior Infraction, for Selected Divisions in the Western Region**



Note 1: Totals do not always add to 100 percent because some suspensions are of lengths other than 7 or 14 days, and/or some data were unreadable.

Note 2: Based on Discipline Tracking System data--December 1985 through March 1988.

These data demonstrate distinct differences in the severity of penalties across divisions. A pattern of tough penalties can contribute to, or be indicative of, an adversarial work environment. In line with the Postmaster General's objective to establish better relationships between labor and management, the Service has taken steps to improve the work environment in selected locations through several recent initiatives.

Working Environment Targeted  
for Change

Highlighted in the 1988 annual report of the Service's Human Resources Group are three initiatives that seek improved labor/management relations through a working together environment. The initiatives—Labor Relations Plan, Modified Article 15, and Modified Article 16—were developed in conjunction with the national unions and can be implemented where the local management and unions agree to do so.

The Labor Relations Plan, a five-phased voluntary process, is structured to enhance levels of trust, communication, and dispute resolution. The report says that it is best suited to locations where management and labor have made the initial commitment to improve the labor/management climate as a long-term proposition. The other two initiatives, as their names imply, modify articles of collective bargaining agreements.

Modified Article 15 changes the present grievance-arbitration procedure. The intent is to push decisionmaking and accountability down to the manager in the area where the grievance arose and to expedite resolution. The intent of Modified Article 16 is to resolve immediate problems and correct behavior that leads to discipline. This modification

- mandates two predisciplinary discussions with the employee to attempt to reach an understanding and commitment by the employee on how to resolve the potential problem and to avoid future disciplinary action,
- changes the notice period for a suspension from 10 to 14 days to allow for a grievance to be filed, and
- provides for holding the discipline in abeyance until settlement or adjudication of the grievance.

Among the first divisions to implement the initiatives are some with disciplinary practices that exhibit a highly adversarial relationship between labor and management. For example, San Antonio, TX, the second division to implement the Labor Relations Plan, had, for employees with one prior infraction and charged with absenteeism, a suspension rate of 88 percent. Modified Article 15 was initiated at Pittsburgh, PA, which had a suspension rate of 91 percent for similar employees. One of the first three offices to implement Modified Article 16 will be Columbia, SC. For employees with one prior infraction, this division had a suspension rate of 88 percent for absenteeism and 89 percent for safety violations.

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## Factors Contributing to Variations in Penalties

We examined Service procedures for administering discipline that could contribute to disparate treatment of employees. 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, as indicated by our analysis of DTS data, in our opinion, the varied practices followed by supervisors, as described below, could also result in different penalties for employees who engage in the same categories of misconduct.

## Consideration of Prior Discipline in Selecting Penalty

Handbook EL-921 says that there is no precise definition of what establishes a good, fair, or bad record. Supervisors are told that an employee's record of previous offenses may never be used to establish guilt in a current case, but it may be used to determine the appropriate disciplinary penalty.

We found significant variation in the ways supervisors generally consider prior disciplinary actions in selecting a penalty for a current infraction. Some supervisors believed only similar prior offenses should be considered, while others believed consideration should be given to all prior offenses in selecting a penalty. Supervisors also vary in how far back they consider prior actions—from the past 3 months to the entire period of employment of the employee<sup>3</sup>—and in how they consider penalties still subject to appeal.

The results of our examination of 145 cases in the three divisions illustrate 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. In the 80 cases we examined where priors were still in the process of being grieved, 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.

Labor Relations officials at divisions we visited had different views regarding the consideration given to prior discipline (priors) in selecting

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<sup>3</sup>Collective bargaining agreements between the Postal Service and employees' unions prohibit the consideration of disciplinary action records in any subsequent disciplinary action if the employee has not been disciplined for 2 years.

a penalty. For example, Cleveland's Field Director for Human Resources said that supervisors should consider only similar prior infractions when selecting a penalty for a current infraction. However, Cleveland's Manager of Labor Relations and the Acting Director of Human Resources at the Akron Post Office said that supervisors should consider all prior infractions.

Labor Relations officials of the Dallas Division told us that an employee with a variety of prior infractions may have an overall performance problem, and they believe it acceptable to consider all prior infractions, as illustrated by the following example.

- A supervisor suspended a Dallas letter carrier 7 days for returning late from his mail route. The supervisor's discipline letter cited a letter of warning involving a vehicle safety violation—a dissimilar infraction—as a consideration for advancing to the suspension.

At Van Nuys, the Manager of Human Relations for the Division indicated that only similar infractions should be considered in determining an appropriate penalty. Managers at the post offices reporting to the Division (Pasadena and San Fernando) disagreed. They said that all priors should be considered in selecting penalties.

We also asked Labor Relations officials of the three divisions if priors that are currently being grieved (i.e., appealed) should be considered in assessment of current discipline. We also asked if prior disciplines had been grieved and reduced, which penalty—the original one or the reduced one—should be considered in selecting a penalty. All agreed that discipline grieved but not yet settled should be considered. As to which penalty to consider, Cleveland and Dallas officials said the one assessed after the grievance resolution. Van Nuys officials would consider the original penalty. Responses from supervisors also varied, as indicated by table 2.2.

**Table 2.2: Supervisors' Responses Regarding Consideration of Priors<sup>a</sup>**

	Yes		No	
	Number	Percent	Number	Percent
1. Do supervisors have to consider prior infractions in assessing penalties?	105	83	21	17
2. Do supervisors have discretion in deciding which prior infractions to consider?	62	49	65	51
3. Can priors in the process of being grieved be considered in assessing current penalties?	95	85	17	15

<sup>a</sup>The total number of responses varies because some supervisors did not respond to all questions.

Supervisors' opinions also varied on how far back in time they could consider in assessing an employee's discipline history. Responses from the supervisors ranged from 3 months to the entire history of the employee.

**How Priors Are Considered by Arbitrators**

The way in which supervisors consider prior infractions has come under scrutiny during arbitration. Arbitrators have reduced or rescinded disciplinary penalties that were based on consideration of priors they view to be improper. The manner in which some arbitrators view prior discipline is illustrated by the following examples.

- A Dallas Main Post Office employee received a 14-day suspension for being absent from work. An arbitrator, however, reduced the suspension to 7 days because the Postal Service had considered a 7-day suspension for an unlike prior infraction—unsafe work habits—to justify the 14-day suspension.
- A supervisor suspended a Van Nuys Division employee for 14 days for Failure To Follow Instructions/Unauthorized Overtime. The arbitrator reduced the suspension to a letter of warning because he believed that none of the three priors cited should have been considered at the time the discipline was issued. One cited discipline that had been rescinded and two were in the grievance process; therefore, according to the arbitrator, they should not have been cited. In addition, according to the arbitrator, one of the grieved disciplinary actions should also not have been cited since it involved an unrelated type of infraction.
- A Van Nuys employee was suspended for 7 days for failure to follow a supervisor's instructions to "refrain from talking in a loud and disruptive manner," and for using the word "damn" while talking to himself. The arbitrator rescinded the discipline for two reasons. First, the arbitrator did not believe the evidence supported the accuracy of the charge.

Second, the arbitrator believed that an “inference of disparate treatment” was evident. The arbitrator noted that merely a letter of warning had been issued to another employee on the same day for a similar infraction.

Application of Progressiveness in  
 Selecting a Penalty

By definition, corrective or progressive discipline is an ever-increasing degree of punishment, and such a sequence is indicated by the disciplinary actions listed in collective bargaining agreements (letter of warning, suspensions, and discharge). The agreements say that discipline should be corrective in nature, rather than punitive, but they do not say that discipline must start with a letter of warning and increase after every subsequent infraction. Handbook EL-921 tells supervisors that if an employee’s behavior does not improve after discussion, formal disciplinary action may be initiated through issuance of a letter of warning or suspension.

Progressiveness had been defined by one of the three divisions reviewed—Van Nuys—as a step-by-step process: a letter of warning, suspensions of increasing durations, and removal. Supervisors were authorized to deviate from this progression when they believed it appropriate to do so. Cleveland and Dallas had not formally defined progression.

We asked supervisors at all three divisions a series of questions regarding progressiveness and their understanding of the concept.

Table 2.3: Supervisors’ Responses  
 Regarding Progressive Discipline<sup>a</sup>

	Yes		No	
	Number	Percent	Number	Percent
1. In issuing discipline, must penalties be progressive?	111	87	16	13
2. Is the definition of progressiveness limited to a letter of warning, followed by suspensions of increasing length, followed by a removal?	55	50	56	50
3. Do supervisors have discretionary authority in deciding what penalty should be assessed even though it might not be progressive?	101	79	27	21

<sup>a</sup>The total number of responses varies because some supervisors did not respond to all questions.

The following examples (all from post offices in the Dallas area) illustrate disciplinary actions that increased after a subsequent infraction and those that did not.



- Two employees had a similar prior letter of warning, one for not forwarding mail to a customer and the other for not delivering 34 pieces of mail. The employee who did not forward the mail subsequently received a 7-day suspension for not delivering nine parcels. The other employee received a second letter of warning for not delivering mail to the correct address.
- Two employees, each with a prior letter of warning for safety violations, were disciplined differently for subsequent safety violations. One received a 7-day suspension for driving without a seat belt and with a door open. The other got a 14-day suspension for driving with a door open and parking unsafely.
- Two employees with no prior discipline each received a 7-day suspension for a vehicle accident.

In the Dallas Division between October 1, 1986, and May 16, 1988, postal unions appealed 204 discipline decisions to independent arbitrators. In 70 cases, the arbitrators directed that the discipline be reduced. In about one-third of these cases, they cited a lack of progressive discipline as a basis for their decisions. Similarly, in the Van Nuys Division, arbitrators have reduced penalties because they were not progressive. For example:

- A Van Nuys employee was suspended 7 days for failure to work in a safe manner and causing damage to postal property. While noting that the employee used poor judgment in applying force to close a vehicle window, an arbitrator described a 7-day suspension as excessive since the employee had no priors. The discipline was reduced to a letter of warning and the employee was awarded back pay for the suspension he had already served.

As shown by table 2.4, our analysis of penalties assessed for five infraction categories from December 1985 through March 1988 showed that the general progression to more severe penalties leveled off at a 14-day suspension for absenteeism and AWOL before proceeding to removal. For the other three infractions (unsafe act, poor work performance, and failure to follow instructions), progression leveled at a 7-day suspension before moving to 14-day suspensions. For absenteeism and AWOL, most first offenses receiving discipline were assessed letters of warning; second offenses were assessed 7-day suspensions, and, except for the Southern Region, the predominant penalty for the third and fourth offense was 14-day suspensions. For employees with four prior infractions, removal was the predominant penalty for AWOL in three of five regions.

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**Table 2.4: Predominant Penalties for Each of the Five Regions for Five Infractions Analyzed**

Type of infraction	Central no. of priors					Eastern no. of priors					Northeast no. of priors					Southern no. of priors					Western no. of Priors				
	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4	0	1	2	3	4
Absenteeism	L	7	14	14	14	L	7	14	14	14	L	7	14	14	14	L	7	14	14	R	L	7	14	14	14
Absent without leave	L	7	14	14	R	L	7	14	14	14	L	7	14	14	R	L	7	14	R	R	L	7	14	14	14
Unsafe act	L	7	<sup>a</sup>	14	14	L	7	7	14	14	L	7	7	14	14	L	7	7	14	14	L	7	7	7	L
Poor work performance	L	7	7	14	14	L	7	7	14	14	L	7	7	14	14	L	7	7	14	14	L	7	7	7	14
Failure to follow instructions	L	7	7	14	14	L	7	7	14	14	L	7	7	14	14	L	7	7	14	7	L	7	7	14	14

<sup>a</sup>No predominant penalty.

Notes:

L = Letter of Warning

7 = 7-day suspension

14 = 14-day suspension

R = Removal

For the other infraction categories (unsafe act, poor work performance, and failure to follow instructions), third offenses generally were most frequently assessed a second 7-day suspension, rather than 14-day suspensions. Unlike absenteeism and AWOL, removal did not become the most predominant penalty for these infractions.

### Reviews of Proposed Suspensions and Removals by Concurring Officials

A required review by concurring officials of proposed suspension and removal penalties is not being used to control the consistency or appropriateness of penalties.

When the discipline involves a suspension, union agreements require that before its issuance, an installation head or designee must review and approve the proposed action. In the absence of guidance on their responsibilities, concurring officials in all three divisions said they believe the primary purpose of the reviews is to insure that the disciplinary actions are adequately documented. They also believe they should check for consistency of penalties, but they view the appeal process (grievance and arbitration) as the principal check on consistency and uniformity of discipline.

Because concurring officials already serve as reviewers and are involved in many cases, they have a basis for knowing what penalties are normally assessed for various infractions and circumstances. To the extent that concurring officials review proposed suspensions and removals for consistency, the reviews serve as a control to minimize

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unwarranted disparities. However, Postal Service guidance does not require a review for consistency.

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## Conclusions

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

Regarding decisions on when to discipline employees, we found that supervisors disagree on which infractions are minor offenses and therefore when discussions should be given in lieu of discipline. Because of such disagreements, some employees may receive more opportunities to correct their behavior before being disciplined than others.

Regarding penalty selection, Service data show widespread variances in penalties within and across divisions in cases involving the same infraction category and the same number of prior infractions. Although we could not determine from the data how much variation was justified by the circumstances in individual cases, 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. These factors include the following: (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 decided. Clarification of these factors should enhance the consistency of disciplinary actions. Additionally, there are no specific instructions requiring concurring officials who review proposed suspensions and removals for adequacy of documentation to examine penalties for consistency. Such a requirement would strengthen the control feature of the review.

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## Recommendations

To enhance the consistency and predictability in the enforcement of the Service's work rules, we recommend that the Postmaster General direct the Senior Assistant Postmaster General, Human Resources, to

- define major and minor offenses to clarify when predisciplinary discussions should be given in lieu of discipline;
- clarify whether predisciplinary discussions should precede disciplinary action for subsequent, but different, infractions committed by the same employee;
- 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; and
- issue guidance to require concurring officials to expand their reviews of proposed suspensions and removals to include the consistency of the penalties.

## Agency Comments

In commenting on a draft of this report (see app. III), the Service pointed out that there can be valid reasons for varying degrees of discipline. We agree. As our report points out, however, even though discipline actions may vary, the rules followed in making those decisions in selecting a penalty should be consistent.

Concerning our two recommendations pertaining to the use of predisciplinary discussions, the Service said there are so many variables, it is not practicable to try to specifically categorize offenses as major and minor. However, to fulfill its commitment to improve the labor/management climate, the Service has been actively involved with the unions in developing alternative procedures that are being tested in various Postal facilities. We recognize that the process for modifying and testing discipline procedures includes collective bargaining with the unions. Moreover, we believe the modified procedures being tested, 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. The modified procedures require two predisciplinary discussions before disciplinary action is taken 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. As such, we believe the Service's actions are responsive to our recommendations.

Consistent with our recommendation to develop uniform rules for considering prior infractions, the Service said supervisors will be reminded

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that collective bargaining agreements anticipate that in selecting a penalty they will consider all past infractions, whatever the nature of the offense, if less than 2 years have gone by since the last disciplinary action; grieved actions that are pending; and the lesser penalty if the prior discipline has been reduced.

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.

# Recordkeeping System Improvements Planned

In requesting this review, the Chairman, Subcommittee on Postal Personnel and Modernization, House Committee on Post Office and Civil Service, also specifically questioned whether the Postal Service's existing recordkeeping systems allow for the monitoring of disciplinary actions sufficient to identify and alert officials when a particular location appears to be experiencing a result substantially different from other locations. The Chairman's concern extended to whether Service records and reporting systems are available for determining if groups of employees are receiving disparate treatment.

## Establishment of the Discipline Tracking System

In response to concerns of national unions about the adequacy of the system used to track disciplinary action, the Postal Service developed, in 1985, a computerized Discipline Tracking System (DTS) to record disciplinary actions in a system separate from the personnel system database. Our review of the DTS correspondence files indicates that the system was also developed in response to congressional interest that led to the disclosure that the Service had virtually no way to assess the amount and type of discipline being issued. The DTS was also expected to be useful in identifying weaknesses in the Service's approach to discipline, which, in turn, could help the Service's arbitration record.

Under the DTS, the information on each disciplinary action is to be recorded on a Form 5930, Discipline Tracking Data Collection Form. After a grievance is filed, or following 30 days if a grievance is not filed, the 5930 is to be sent to the Employee Labor Relations Information Center in Chicago and entered into the DTS centrally. Cancellations, modifications, and closure data are also to be submitted on Form 5930 and are to be recorded in the DTS.

The DTS does contain data that can be used to identify disparities by location and by sex or racial group. The DTS is programmed to retain information on the most recent infraction and penalty for employees as well as information on each employee's past infractions and penalties for up to four prior infractions. Information on the disposition of each appeal decision is also contained in the database. Additionally, the DTS, as supplemented with personnel data from its automated personnel system, allows the automated retrieval of demographic information for disciplined employees, including sex and race or national origin. The race and national origin categories include American Indian or Alaskan native, Asian or Pacific Islander, Black, Hispanic, and White.

## Internal Study Found DTS Shortcomings

In April 1988, the Service established a work group to review the DTS for the purpose of evaluating its various elements. These elements included data preparation and input, system maintenance and management, and information provided by the system, with special emphasis on information retrieval by field installations.

The Service completed its study in September 1988 and, in its draft report, tentatively identified several problem areas concerning verification of the data and accessibility of needed data by field units.

According to an official involved in the study, the DTS has not been used extensively. Its underuse resulted from poor publicity and lack of enforcement of the requirement to input closure data. The use of the system was further limited by the fact that reports were not distributed to the levels where they could be used by local units who were expending the effort to input the data.

According to its draft report, the work group found that the DTS requires considerable work by field units in gathering, tracking, and inputting data but provides little, if any, beneficial information to field units. The work group found that although special requests for detailed information can be made through headquarters, routine DTS analytical reports do not permit local managers to analyze the imposition of discipline within their offices. Similarly, officials at the three divisions included in our review told us that they do not regularly receive routine reports on discipline and find the DTS to be of little or no use in monitoring and managing discipline.

The work group observed that systems were not in place to assure the accuracy of all data entries and that errors and problems in processing timeliness had contributed to distortions in disciplinary trends. In addition, the timeliness problems and sporadic issuance of the reports to units contributed to the failure of the reports to accurately reflect each accounting period's discipline activity. Considering these deficiencies, the work group concluded that management decisions based on the DTS data could be suspect.<sup>1</sup>

A final report to the Senior Assistant Postmaster General, Human Resources, on the study is expected to include recommendations to

<sup>1</sup>Much of the data deficiencies pertained to closure data, which was not relevant to our use of the system. Appendix II describes our test of the accuracy of the data and the agreement by Service officials that the data are sufficiently accurate for the analyses included in this report.

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**Chapter 3  
Recordkeeping System  
Improvements Planned**

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improve the quality of the input and access to data by post offices for more effective monitoring of employee discipline at the field level.





# Postal Service Disciplinary Infractions FY87

<b>Infraction</b>	<b>Number of infractions</b>	<b>Percent of total</b>
Absenteeism	22,829	33.01
AWOL	10,488	15.17
Failure to follow instructions	8,601	12.44
Unsafe act or work habits	6,217	8.99
Poor work performance	5,010	7.25
Unauthorized absence from assignment	2,443	3.53
Tardiness	1,765	2.55
Delay or failure to deliver mail	1,510	2.18
Failure to protect funds/mail/property	1,170	1.69
Other	1,086	1.57
Disrespect to supervisor/customer	1,073	1.55
Scheme failure <sup>a</sup>	973	1.41
Insubordination	919	1.33
Altercation/assault/threat	857	1.24
Expansion of office time or street time	791	1.14
Failure to account for funds or accountables	757	1.09
Use/possession of intoxicants/drugs	566	0.82
Machine qualification/proficiency failure	516	0.75
Falsification of record	363	0.52
Deviation from route	339	0.49
Pilfering/theft of mail or funds/property	294	0.43
Destruction/damage of mail or property	234	0.34
Crime, non-job related off duty	168	0.24
Crime, non-job related on duty	94	0.14
Falsification of application	56	0.08
Work slowdown/stoppage/strike	29	0.04
<b>Totals</b>	<b>69,148</b>	<b>100.00</b>

<sup>a</sup>Failure of the employee to demonstrate knowledge of which address belongs to which carrier route in a specific zip code area

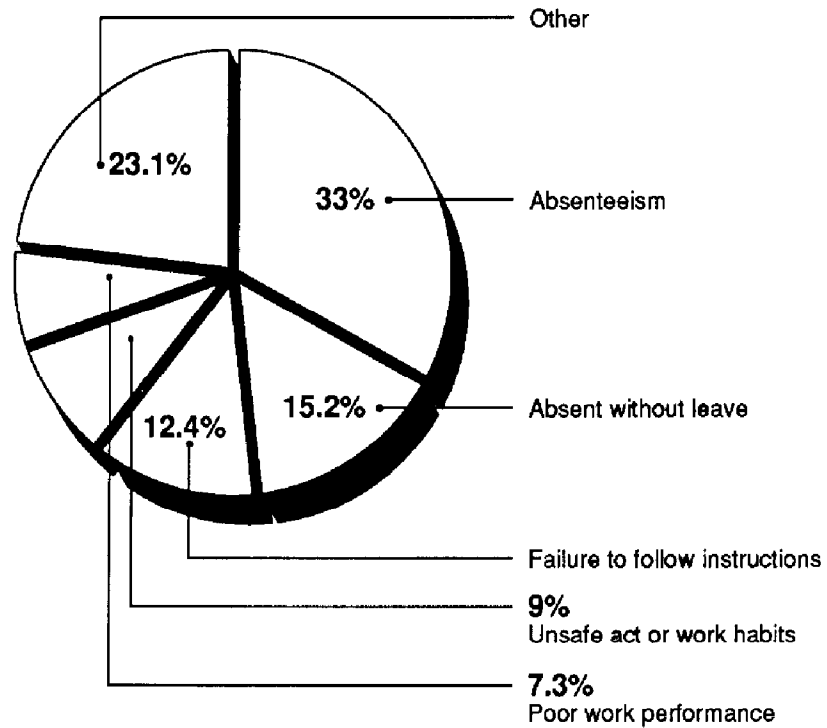
Source: Discipline Tracking System, FY 1987 Summary Report.

# Methodology and Tabular Results of Analysis of DTS Data

Although the Service does not monitor employee discipline for consistency, existing DTS data can provide some indication as to potential disparities. To identify whether penalties were assessed consistently, we analyzed DTS data on disciplinary actions.

Using the computer tapes containing the DTS data, we analyzed disciplinary actions for the period December 1985 through March 1988, by division, for the five most frequently cited infraction categories. These infraction categories include failure to maintain a regular work schedule/absenteeism, absent without leave, failure to follow instructions, unsafe act or work habits<sup>1</sup>, and poor work performance/failure to properly perform. These categories represent about 77 percent of total infractions in fiscal year 1987 and are shown in figure II.1. Appendix I shows the number of infractions and associated penalties for all 26 infraction categories for fiscal year 1987.

Figure II.1: Principal Infractions—FY87



Source: Discipline Tracking System.

<sup>1</sup>This infraction category was later abolished and replaced by two industrial and vehicular safety categories that were more specific.

Our analysis included disciplinary action cases involving from none to four prior infractions resulting in each of the four most frequently cited penalty levels. The penalty levels included in our analysis are letters of warning, 7-day suspensions, 14-day suspensions, and removals. Suspensions of other lengths are used less frequently, do not represent a significant portion of total penalties, and are therefore excluded from our analysis.

Although there are some known problems with the accuracy of the data related to failure by some locations to correctly record data on a Form 5930, Service officials have said that the DTS is about 90-percent accurate and is therefore considered valid for use in monitoring or evaluating the program. Officials said that most of the data deficiencies are caused by failure of units to enter closure data. Incomplete closure data did not affect our analysis, because we focused on the consistency of initial penalty assessments and not on penalties that were changed following appeal. In a test of the accuracy of 99 cases for which key documentation was available, we found errors in 8 cases that affected the data used in this report. The remaining cases either contained no errors or the errors did not affect the issues in this report.

Of the over 167,000 infractions in the DTS for the 28-month period of our analysis in the selected infraction categories and penalty levels, about 122,000, or 73 percent, involved no prior infractions. Of those cases, 88 percent, or 108,000, resulted in a letter of warning. Overall, the 108,000 represent about 65 percent of the total infractions. Table II.1 shows total infractions for each region for each infraction included in our review, by penalty level and number of priors for any kind of infraction.



**Appendix II  
Methodology and Tabular Results of Analysis  
of DTS Data**

**Table II.1: Total Infractions for the Five Infraction Categories Included in Our Review - Dec. 1985 Through Mar. 1988**

Infraction category	No priors				One prior				Two	
	LOW	S-7	S-14	R	LOW	S-7	S-14	R	LOW	S-7
<b>Absenteeism</b>										
Southern	10,027	212	58	372	555	1,257	72	43	75	226
Western	6,679	173	47	124	335	1,353	126	16	94	421
Central	12,276	436	323	223	426	1,990	111	29	46	557
Eastern	8,927	174	68	72	130	1,596	126	17	22	332
Northeast	8,372	195	70	234	449	1,758	168	74	138	590
Total										
<b>Absent Without Leave</b>										
Southern	2,191	177	35	426	70	373	52	44	28	117
Western	3,781	300	94	214	284	1,122	116	50	112	474
Central	2,001	137	53	416	76	499	38	63	10	153
Eastern	1,294	96	20	104	32	301	34	27	12	83
Northeast	5,821	279	85	924	280	1,799	172	405	74	625
Total										
<b>Unsafe Act</b>										
Southern	2,915	853	82	82	37	163	49	14	10	37
Western	3,774	1,131	256	87	166	278	96	9	45	90
Central	2,577	414	67	38	42	151	28	4	6	28
Eastern	2,021	266	71	34	22	126	24	4	8	43
Northeast	2,451	344	125	66	120	213	55	9	22	89
Total										
<b>Poor Performance</b>										
Southern	3,515	237	47	482	117	190	35	25	25	47
Western	2,105	76	18	474	105	120	17	13	30	46
Central	2,123	121	52	178	59	159	22	11	9	44
Eastern	2,270	80	26	65	24	136	20	3	10	39
Northeast	1,650	112	42	149	109	148	28	8	37	81
Total										
<b>Failure to follow Instructions</b>										
Southern	5,011	367	72	76	116	300	51	16	38	99
Western	6,163	440	87	85	329	366	66	15	120	177
Central	3,319	175	48	58	97	227	19	4	22	88
Eastern	3,333	121	28	31	38	245	25	7	16	65
Northeast	3,687	249	77	28	209	344	61	8	57	118
Total										
<b>Totals</b>	<b>108,283</b>	<b>7,165</b>	<b>1,951</b>	<b>5,042</b>	<b>4,227</b>	<b>15,214</b>	<b>1,611</b>	<b>918</b>	<b>1,066</b>	<b>4,669</b>
Percent of cases in priors category	88.44%	5.85%	1.59%	4.12%	19.24%	69.25%	7.33%	4.18%	8.75%	38.31%

**Appendix II  
Methodology and Tabular Results of Analysis  
of DTS Data**

<b>priors</b>										
<b>S-14</b>	<b>R</b>	<b>LOW</b>	<b>Three priors</b>			<b>Four priors</b>			<b>Region totals</b>	
<b>S-14</b>	<b>R</b>	<b>LOW</b>	<b>S-7</b>	<b>S-14</b>	<b>R</b>	<b>LOW</b>	<b>S-7</b>	<b>S-14</b>	<b>R</b>	
445	99	38	49	160	141	25	25	56	77	14,012
516	30	50	152	350	83	27	76	150	89	10,891
759	37	18	168	421	137	4	64	229	153	18,407
547	25	7	78	284	74	6	26	131	77	12,719
775	71	55	236	449	163	33	111	268	164	14,373
										70,402
141	49	13	32	55	60	3	9	25	36	3,936
546	78	43	152	337	158	38	96	220	171	8,386
154	61	4	43	142	74	3	12	71	79	4,089
112	31	4	20	98	52	0	8	69	47	2,444
787	348	30	206	451	448	21	80	285	302	13,422
										32,277
28	7	2	9	16	4	0	3	5	1	4,317
47	6	21	50	33	7	21	20	10	10	6,157
28	2	5	9	24	3	1	7	12	2	3,448
20	3	0	11	18	2	1	2	19	0	2,695
44	10	11	21	26	8	9	17	20	9	3,669
										20,286
39	14	9	12	24	18	6	4	11	9	4,866
33	9	11	27	16	10	10	13	20	7	3,160
43	6	5	16	27	12	1	2	10	24	2,924
31	4	1	13	37	5	2	10	15	6	2,797
40	10	11	22	32	13	12	20	30	6	2,560
										16,307
80	17	11	17	34	19	5	16	14	6	6,365
87	7	80	79	83	14	31	32	59	16	8,336
58	10	10	27	32	7	5	9	28	5	4,248
55	8	1	27	41	7	2	8	29	5	4,092
82	12	39	52	69	12	18	22	44	22	5,210
										28,251
<b>5,497</b>	<b>954</b>	<b>479</b>	<b>1,528</b>	<b>3,259</b>	<b>1,531</b>	<b>284</b>	<b>692</b>	<b>1,830</b>	<b>1,323</b>	<b>167,523</b>
45.11%	7.83%	7.05%	22.48%	47.95%	22.52%	6.88%	16.76%	44.32%	32.04%	

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**Appendix II  
Methodology and Tabular Results of Analysis  
of DTS Data**

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Notes:  
LOW = Letter of Warning  
S-7 = 7-Day Suspension  
S-14 = 14-Day Suspension  
R = Removal  
Source: Discipline Tracking System.

Infractions involving one prior totaled about 22,000, representing 13 percent of the total infractions, with 69 percent of them resulting in a 7-day suspension. Infractions involving two, three, or four priors represented 7, 4, and 2 percent of infractions, respectively, with from 44 to 48 percent of them resulting in a 14-day suspension.

We also conducted a detailed analysis of the penalty distributions for two infraction categories, by division. For absenteeism and unsafe act, we computed the penalty distributions for cases with one prior infraction for every division<sup>2</sup> in all five regions. Table II.2 shows the percent of these cases receiving each penalty level for all divisions, by region.

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<sup>2</sup>Two of the 74 divisions had no data available for the unsafe act infraction category.



**Appendix II  
Methodology and Tabular Results of Analysis  
of DTS Data**

**Table II.2: Penalty Distribution for Absenteeism and Unsafe Act by Division December 1985 Through March 1988**

Region	Percent of cases with one prior							
	Absenteeism				Unsafe act			
	LOW	S-7	S-14	REMV	LOW	S-7	S-14	REMV
<b>Central Region</b>								
Chicago, IL	3.2	79.2	6.6	0.5	12.2	85.4	0.0	0.0
Denver, CO	9.2	83.8	4.2	2.1	19.4	64.5	16.1	0.0
Des Moines, IA	9.9	73.6	2.2	0.0	16.7	66.7	16.7	0.0 <sup>a</sup>
Detroit, MI	5.6	81.3	7.6	3.3	18.8	62.5	18.8	0.0 <sup>b</sup>
Grand Rapids, MI	4.5	89.2	3.6	0.9	25.0	50.0	25.0	0.0 <sup>a</sup>
Indianapolis, IN	3.4	91.6	3.4	0.3	2.4	75.6	22.0	0.0
Kansas City, MO	1.3	93.9	2.6	0.9	12.5	75.0	6.3	6.3 <sup>b</sup>
Milwaukee, WI	20.0	68.0	2.0	10.0	0.0	100.0	0.0	0.0 <sup>a</sup>
Minneapolis, MN	1.2	4.6	0.6	0.6	9.1	9.1	36.4	9.1 <sup>b</sup>
North Suburban, IL	59.0	38.7	0.9	0.2	36.8	57.9	0.0	0.0 <sup>b</sup>
Omaha, NE	19.1	66.3	6.7	0.0	75.0	25.0	0.0	0.0 <sup>a</sup>
St. Louis, MO	35.3	61.8	2.9	0.0	50.0	50.0	0.0	0.0 <sup>a</sup>
St. Paul, MN	1.1	93.9	3.3	0.0	0.0	62.5	12.5	12.5 <sup>a</sup>
South Suburban, IL	20.0	54.5	5.5	0.0	44.4	44.4	11.1	0.0 <sup>a</sup>
Wichita, KS	24.3	67.6	4.5	2.7	20.0	66.7	6.7	6.7 <sup>b</sup>
Region averages	15.0	70.3	3.9	1.0	18.1	65.1	12.1	1.7
<b>Eastern Region</b>								
Baltimore, MD	17.5	78.1	3.5	0.0	0.0	80.0	20.0	0.0 <sup>a</sup>
Charleston, WV	33.3	50.0	0.0	16.7 <sup>a</sup>	100.0	0.0	0.0	0.0 <sup>a</sup>
Cincinnati, OH	3.2	88.4	4.9	0.0	3.2	84.1	9.5	1.6
Cleveland, OH	1.6	86.6	7.2	1.3	8.3	79.2	0.0	0.0
Columbia, SC	11.9	85.7	2.4	0.0	11.1	66.7	22.2	0.0 <sup>a</sup>
Columbus, OH	2.4	9.2	1.6	0.4 <sup>a</sup>	3.8	5.8	1.9	1.9
Greensboro, NC	35.0	60.0	5.0	0.0	28.6	57.1	14.3	0.0 <sup>a</sup>
Harrisburg, PA	10.3	79.4	8.8	0.0	20.0	80.0	0.0	0.0 <sup>a</sup>
Louisville, KY	40.0	50.7	4.0	2.7	33.3	22.2	11.1	22.2 <sup>a</sup>
Philadelphia, PA	8.6	87.9	3.0	0.5	12.5	87.5	0.0	0.0 <sup>a</sup>
Pittsburgh, PA	3.4	86.3	5.1	3.4	22.2	22.2	55.6	0.0 <sup>a</sup>
Richmond, VA	2.4	85.4	11.4	0.0	5.9	70.6	23.5	0.0 <sup>b</sup>
South Jersey	1.6	93.7	3.2	0.0	NO DATA			
Southern Maryland	3.2	84.2	9.5	0.9	23.5	58.8	17.6	0.0 <sup>b</sup>
Region averages	6.1	75.2	5.9	0.8	9.7	55.8	10.6	1.8

(continued)

**Appendix II  
Methodology and Tabular Results of Analysis  
of DTS Data**

Region	Percent of cases with one prior							
	Absenteeism				Unsafe act			
	LOW	S-7	S-14	REMV	LOW	S-7	S-14	REMV
<b>Northeast Region</b>								
Albany, NY	5.2	84.5	8.6	0.0	6.3	81.3	12.5	0.0 <sup>b</sup>
Boston, MA	3.4	76.7	4.1	1.4	0.0	53.8	0.0	0.0 <sup>b</sup>
Brooklyn, NY	18.4	67.9	5.1	8.7	78.0	17.1	4.9	0.0
Buffalo, NY	16.1	77.4	6.5	0.0	0.0	75.0	0.0	25.0 <sup>a</sup>
Hartford, CT	41.4	48.9	4.6	4.2	58.8	20.6	20.6	0.0
Hicksville, NY	13.4	67.9	15.5	1.1	35.7	28.6	21.4	14.3 <sup>b</sup>
Manchester, NH	18.9	73.0	5.4	0.0	50.0	33.3	0.0	0.0
Newark, NJ	10.4	82.6	5.5	0.8	34.4	42.6	19.7	3.3
New Brunswick, NJ	23.9	70.5	3.4	1.1	16.7	72.2	5.6	0.0 <sup>b</sup>
New York City, NY	8.8	75.9	9.1	5.7	11.8	71.3	13.2	2.9
Providence, RI	36.0	52.0	12.0	0.0	57.1	28.6	14.3	0.0 <sup>b</sup>
Queens, NY	42.9	50.3	3.5	2.9	25.0	63.9	11.1	0.0
San Juan, PR	75.0	0.0	0.0	25.0 <sup>a</sup>	0.0	100.0	0.0	0.0 <sup>a</sup>
Springfield, MA	0.9	88.4	8.0	0.9	0.0	0.0	100.0	0.0 <sup>a</sup>
Westchester, NY	7.9	72.3	11.9	5.9	18.2	54.5	27.3	0.0 <sup>b</sup>
Region averages	18.0	70.6	6.7	3.0	29.6	52.5	13.5	2.2
<b>Southern Region</b>								
Atlanta, GA	92.3	1.9	0.0	4.8	0.0	60.0	10.0	0.0 <sup>b</sup>
Birmingham, AL	25.5	51.1	2.1	0.0	13.0	65.2	4.3	0.0
Dallas, TX	1.8	87.5	4.9	3.3	0.0	64.9	18.9	13.5
Houston, TX	0.0	97.1	1.0	0.0	0.0	60.0	40.0	0.0 <sup>b</sup>
Jackson, MS	49.3	39.7	5.1	1.5	17.1	51.4	25.7	2.9
Jacksonville, FL	1.5	68.7	0.0	1.5	0.0	66.7	4.8	0.0
Little Rock, AR	19.4	73.6	4.2	0.0	37.5	50.0	0.0	0.0 <sup>a</sup>
Memphis, TN	7.7	87.2	5.1	0.0	0.0	36.4	54.5	0.0 <sup>b</sup>
Miami, FL	1.9	66.8	2.7	1.1	1.9	50.0	13.5	9.6
Nashville, TN	29.0	61.3	8.6	1.1	54.5	18.2	9.1	9.1 <sup>b</sup>
New Orleans, LA	19.6	74.8	4.9	0.0	37.0	51.9	3.7	7.4
Oklahoma City, OK	16.8	42.3	4.7	4.7	11.1	44.4	33.3	0.0 <sup>b</sup>
San Antonio, TX	9.4	80.2	7.5	1.9	5.6	72.2	22.2	0.0 <sup>b</sup>
Tampa, FL	78.9	12.6	0.5	2.1	33.3	60.0	6.7	0.0 <sup>b</sup>
Region averages	25.6	58.0	3.3	2.0	12.5	55.1	16.6	4.7

(continued)

**Appendix II  
Methodology and Tabular Results of Analysis  
of DTS Data**

Region	Percent of cases with one prior							
	Absenteeism				Unsafe act			
	LOW	S-7	S-14	REMV	LOW	S-7	S-14	REMV
<b>Western Region</b>								
Anchorage, AK	46.9	50.0	3.1	0.0	30.0	60.0	10.0	0.0 <sup>b</sup>
Honolulu, HI	50.0	50.0	0.0	0.0 <sup>a</sup>	NO DATA			
Long Beach, CA	15.3	72.5	4.2	0.0	29.0	41.9	21.0	1.6
Los Angeles, CA	45.2	45.2	2.1	0.0	46.5	33.3	10.1	3.0
Oakland, CA	10.2	75.4	12.8	0.8	39.7	44.4	14.3	0.0
Phoenix, AZ	6.3	66.3	6.3	3.8	16.7	55.6	19.4	0.0
Portland, OR	13.8	79.3	3.4	0.0	16.7	58.3	8.3	0.0 <sup>b</sup>
Sacramento, CA	6.9	86.2	4.6	0.0	19.0	47.6	23.8	4.8
Salt Lake City, UT	33.3	66.7	0.0	0.0 <sup>a</sup>	42.9	57.1	0.0	0.0 <sup>a</sup>
San Diego, CA	6.2	78.8	7.1	2.7	7.7	71.8	15.4	0.0
San Francisco, CA	4.8	84.6	7.7	0.0	14.3	64.3	17.9	3.6
San Jose, CA	31.7	43.9	2.4	9.8	33.3	48.7	17.9	0.0
Santa Ana, CA	5.4	83.1	9.2	0.0	26.5	52.9	14.7	2.9
Seattle, WA	24.7	62.4	9.4	0.0	23.1	61.5	7.7	0.0
Tucson, AZ	34.2	57.9	5.3	2.6	20.0	48.0	24.0	8.0
Van Nuys, CA	17.1	78.1	2.4	1.0	27.1	42.4	30.5	0.0
Region averages	17.5	70.8	6.6	0.8	29.0	48.5	16.8	1.6

Notes:

LOW = Letter of warning  
 S-7 = 7-day suspension  
 S-14 = 14-day suspension  
 REMV = Removal  
<sup>a</sup>= Fewer than 10 cases

<sup>b</sup>= Fewer than 20 cases (and 10 or more)

Source: Discipline Tracking System.

# Comments of the Postmaster General



THE POSTMASTER GENERAL  
Washington, DC 20260-0010

May 2, 1989

Dear Mr. Fogel:

This refers to your draft report entitled POSTAL SERVICE: Discipline Practices Vary.

The report says the Postal Service's 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. The report recommends actions to (1) define major and minor offenses, (2) clarify when discussions should precede disciplinary action for subsequent but different offenses, (3) develop uniform rules for considering prior infractions and (4) issue guidance to require concurring officials to review proposed suspensions and removals for consistency of penalties.

There are valid reasons why the use of predisciplinary discussion and penalties may vary for the same infraction category and the same number of prior infractions. Among other reasons, there may be differences in the seriousness of the infraction, in work records and prior discipline records, in the relationship of the infraction to the employee's duties and in prior efforts to correct the employee's misconduct.

Because there are so many variables, we do not consider it practicable to try to specifically categorize offenses as major and minor. Individual circumstances must determine the selection and degree of discipline. We do continually advise supervisors to consult with our labor relations professionals who are familiar with our discipline data and who can use their professional knowledge to give supervisors guidance in the administration of discipline. In addition, our Labor Relations Review periodically publishes policy statements regarding discipline and our management officials at regional and local levels disseminate guidance information on the disciplinary process.

The Postal Service has been actively involved with our unions in developing proactive, alternative dispute resolution programs. Modified discipline procedures directed at resolving problems and correcting behavior that might lead to discipline are now being

Appendix III  
Comments of the Postmaster General

- 2 -

tested in various facilities. Under these test procedures, two predisciplinary discussions are required prior to taking disciplinary action for those offenses that do not warrant immediate removal or indefinite suspension or suspension on the first offense. The two predisciplinary discussions are required before discipline is initiated for subsequent, but different, infractions committed by the same employee. Should these test procedures prove successful, the Postal Service and the unions involved will be in a position to negotiate new contract language. Any changes to established disciplinary procedures require collective bargaining.

Article 16 of our collective bargaining agreement provides that all past infractions may be considered in a subsequent disciplinary action if less than two years have gone by since the last disciplinary action, and this is what is usually done. Grieved infractions are usually considered, even if still pending, in order to show the progressive steps of the current disciplinary action being taken. If the prior discipline has been reduced to a lesser penalty, only that lesser penalty should be considered in subsequent disciplinary action. We will issue a reminder notice to the field reemphasizing these points.

We will also provide guidance requiring concurring officials to ensure the appropriateness of discipline in a given case and its consistency with penalties issued in comparable circumstances.

We appreciate your affording us an opportunity to comment on your proposed report.

Sincerely,

  
Anthony M. Frank

Mr. Richard L. Fogel  
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