

National interpretive grievance—LiteBlue



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On July 12, 2023, President Brian L. Renfroe initiated a national-level grievance related to the theft of letter carrier wages when the Postal Service failed to safeguard the USPS Human Resources website, LiteBlue.usps.gov (LiteBlue).

The issue in this case involves incidents that occurred in late 2022 and early 2023. Hundreds of postal employees, which included letter carriers, fell victim to hackers who were able to access their LiteBlue accounts using dubious tactics. Employee account information was obtained when employees entered their login information into fake

LiteBlue websites created by criminals. As a result, these letter carriers had their paychecks misdirected into bank accounts owned by the criminals.

When this happened, NALC Headquarters created a grievance starter detailing the contractual violations related to management's failure to protect the LiteBlue website by ensuring that employees could unknowingly log in into fake LiteBlue websites. Both industry standards and Postal Service handbooks have made multi-factor authentication (MFA) a requirement to protect people's personal identification information, such as bank routing and account numbers. By failing to institute MFA, the Postal Service made it possible for these criminals to steal the hard-earned money of letter carriers. In addition to the Postal Service neglecting its duty to properly protect LiteBlue with MFA, the NALC argued that USPS had failed to ensure that these letter carriers were compensated for their time.

On Jan. 23 and 24, this case was heard by National Arbitrator Dennis R. Nolan in Washington, DC. In national-level cases, the parties involved are represented by attorneys who specialize in labor law. In this case, NALC was represented by Peter DeChiara, an attorney from our law firm, Cohen, Weiss and Simon, while the Postal Service was represented by three lawyers employed in the USPS Law Department. In cases that affect all USPS employees, including bargaining-unit members from the other crafts, their unions can intervene in the hearing. Since employees represented by the American Postal Workers Union (APWU) and the National Postal Mail Handlers Union (NPMHU) were victims of the theft, both unions intervened

in this case and were represented by labor attorneys.

The Postal Service made three arguments when it presented its case. First, USPS argued that the case did not represent an interpretive issue since NALC did not identify a violation of the National Agreement. The second argument was based on the security protocols the Postal Service instituted to restrict access to LiteBlue. The last contention was that USPS notified employees, including letter carriers, in 2017 of the existence of fake LiteBlue websites. The Postal Service took the position that this notification absolved it of any responsibility for employees being duped by criminals into giving away their login information.

Because this case involved an alleged violation of the National Agreement, NALC bears the burden of proof to prove that the Postal Service's actions violated the articles cited in the grievance. NALC's attorney, Peter DeChiara, outlined the numerous contractual violations the Postal Service had committed when it failed to ensure that letter carriers were paid for their time on the clock. Among the articles cited were Articles 8, 9 and 34, which are the provisions of the contract that require the Postal Service to compensate letter carriers for the time spent on the clock. To address the second claim by USPS that it was not required to protect LiteBlue by adopting MFA, DeChiara introduced testimony about the process involved in accessing LiteBlue to make changes to the payroll system.

The last argument proffered by the Postal Service, regarding the 2017 notification, was made when the parties met at the national level, but it had not been advanced during the lower steps of the grievance process. To rebut this position, the NALC relied on the testimony of NALC member Lawrence Ritz from Springfield, IL Branch 80. Brother Ritz, one of the victims covered by this case, testified that he had begun his employment with the Postal Service after 2017 and had never been informed about fake LiteBlue websites.

The hearing portion of this process was closed when the Postal Service finished presenting its case. Moving forward, the attorneys for NALC, APWU, NPMHU and USPS will draft written briefs outlining each party's position in the case. These briefs are due to be delivered to Arbitrator Nolan in mid-April, with his written decision issued following his receipt of the briefs.

Since this is a national-level case, the decision of Arbitrator Nolan will be final and binding on the parties as it pertains to this issue, as well as on any cases filed over the same issue that have not been resolved at a lower step of the grievance procedure. When the arbitrator's decision is received by NALC, the membership will be informed.