

RESOLVE



STEP B DECISION

Step B Team:	Decision:	<u>RESOLVE</u>
USPS:	USPS Number:	G16N-4G-C 1901 6012
Robin Gutman	Grievant:	Eddie Garcia
NALC:	Branch Grievance Number:	421-1371-18
Louise K. Jordan	Branch:	421
	Installation:	San Antonio
District:	Delivery Unit:	Nimitz Station
Rio Grande	State:	Texas
	Incident Date:	10/06/2018
	Informal Step A Meeting:	10/19/2018
	Formal Step A Meeting:	11/01/2018
USPS Formal A:	Received at Step B:	11/07/2018
Frank Ossont	Step B Decision Date:	11/19/2018
NALC Formal A:	Issue Code:	10.5010
Michael Antoniou	NALC Subject Code:	504451

ISSUE:

Did management violate Article 10 and the Employee and Labor Relations Manual (ELM) section 513 through Article 19 of the National Agreement when they failed to approve the grievant's request for Advanced Sick Leave? If so, what is the remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. Management's processing of the grievant's request for advance sick leave was in conflict with its requirements under the ELM and Article 10 of the National Agreement. Within seven (7) days of receipt of this decision the grievant will have 240 hours of sick leave advanced to him. The advanced sick leave shall be repaid in accordance with established procedures. The advanced sick leave may be used to cover absences that took place between 10/09/2018 and 11/13/2018. The advanced sick leave shall be repaid in accordance with established procedures. See the DRT Explanation below.

EXPLANATION:

The grievant in this case is Eddie Garcia, a full-time letter carrier assigned to Nimitz Station in San Antonio, Texas with a seniority date of 09/12/1998. The grievant submitted a request for Advance Sick Leave on 09/26/2018. The request was for 240 hours to cover the dates the grievant would be recovering from surgery. The request submitted on the PS Form 1221 included the required medical documentation and a PS Form 3971 (Request for or Notification of Absence). Despite the supervisor's recommendation for approval the CSOM (Customer Service Operations Manager) sent a letter to the grievant disapproving the request on 10/03/2018 with no explanation.

The union filed this grievance to protest the disapproval of the request with absolutely no explanation. Unable to achieve a resolution through the Informal and Formal A steps of the grievance procedure, the union appealed to Step B.

The union contends the denial letter is signed by the Area Manager rather than the installation head and did not provide a detailed explanation of the reason for the denial. The union contends the grievant provided all the necessary information in his request. The union requests the DRT review the documentation provided and make the proper decision.

Management contends the carrier still had sick leave at the time of the request and was on LWOP (Leave Without Pay) status for 22 days.

The DRT reviewed the case file and determined the request for Advance Sick Leave fulfilled all the requirements identified in the ELM sections 513.511 and 513.12 and the documentation did not appear to support a decision to disapprove the request. The file contains nothing designating CSOM Michael Moreno as the proper authorizing authority in lieu of the installation head. The file provides no evidence to support the disapproval. There is nothing in the file to suggest there is a reason to believe the grievant will not return to duty.

The relevant language in the JCAM page 10-15 states:

10.5 Section 5. Sick Leave

Advance Sick Leave. *Up to 30 days (240 hours) of sick leave may be advanced to an employee with a serious disability or ailment if there is reason to believe the employee will return to duty (ELM Section 513.511). The USPS installation head has authority to approve such requests. An employee need not use up all annual leave before receiving advance sick leave. (Emphasis Added)*

The relevant section of the ELM state:

513.5 Advanced Sick Leave

513.51 Policy

513.511 May Not Exceed Thirty Days

Sick leave not to exceed 30 days (240 hours) may be advanced in cases of an employee's serious disability or illness if there is reason to believe the employee will return to duty. Sick leave may be advanced whether or not the employee has an annual leave or donated leave balance.

513.512 Medical Document Required

Every request for advanced sick leave must be supported by medical documentation of the illness.

513.52 Administration

513.521 Installation Heads' Approval

Officials in charge of installations are authorized to approve these advances without reference to higher authority. (Emphasis Added)

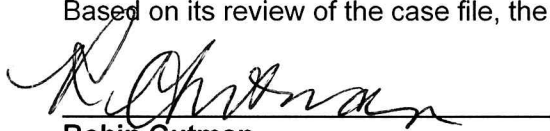
513.522 Forms Forwarded

PS Form 1221, Advanced Sick Leave Authorization, is completed and forwarded to the Eagan ASC when advanced sick leave is authorized.

Management processing and disapproval of the request for advanced sick leave without the installation head's involvement was in conflict with the requirements under the ELM and Article 10 of the National Agreement.

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Based on its review of the case file, the DRT mutually agreed to the decision above.



Robin Gutman
USPS Step B Representative



Louise K. Jordan
NALC Step B Representative

cc:

LR Manager, Southern Area
NALC Region 10 NBA
Rio Grande District HR Manager
Rio Grande District LR Manager
Management Formal Step A Designee

NALC Branch President
NALC Formal Step A Designee
Manager, Rio Grande District
Postmaster
DRT File

Grievance File Contents

PS Form 8190
Request for Informal Step A Meeting
Request for Formal Step A Meeting
PS Form 3971
Medical Record – Doctor's Order
Department of VA – Return to Work
PS Form 1221

SAPO Form 1006X
CSOM, Area II Letter
Postal Excerpt – January 2018
Branch 38 Article
ELM Excerpt Section 513
JCAM Excerpt Article 10
Arbitration Award – C-26893