



RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G16N-4G-C 2017 2661
Rose Barner	Grievant:	Class Action
NALC:	Branch Grievance Number:	421-211-20
Jim Ruetze	Branch:	421
	Installation:	San Antonio
District:	Delivery Unit:	Laurel Heights Station
Rio Grande	State:	TX
	Incident Date:	02/28/2020
	Informal Step A Meeting:	03/07/2020
	Formal Step A Meeting:	03/11/2020
	Received at Step B:	03/16/2020
	Step B Decision Date:	04/08/2020
	Issue Code:	10.0910
	NALC Subject Code:	100003

ISSUE:

Did management violate Article 10 of the National Agreement when they failed to pay the grievants sick leave (SL) and/or annual leave (AL) as requested when they called in? If so, what is the remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. Within 14 days of receipt of this decision, management will process a pay adjustment to pay the grievants as indicated below, if the adjustment has not already been made. Documentation showing the pay adjustment will be furnished to the union's Formal Step A representative (or designee) when it is processed. In addition, management at Laurel Heights will compensate the steward (Jose Campos) \$59.00 for the time spent processing the grievance off-the-clock. See the DRT Explanation below.

Grievant - EIN	Date	Should be Paid
Rosas, E - 03504742	02/07-02/08	16 hours AL
Salazar, C - 04590559	02/07-02/08	16 hours SL
Cabral, J - 03505210	02/07-02/08	16 hours SL

EXPLANATION:

The grievants in this case requested sick leave and/or annual for 02/07/2020 through 02/08/2020. Management recorded those employees' absences as Absent Without Leave (AWOL) for the days in question. Management approved one request for annual leave and the other two requests were disapproved requiring documentation.

The union filed this grievance to protest management's failure to pay the grievants the annual and/or sick leave they requested. Unable to resolve the dispute through the Informal and Formal A steps of the grievance procedure, the union appealed to Step B.

The union contends on 02/11/2020 carrier Rosas submitted a PS Form 3971 requesting annual leave to cover his call in dates of 02/07 and 02/08/2020 and Carrier Cabral submitted a PS Form 3971 on 02/10/2020 requesting 16 hours of sick leave for the days he called in on 02/07 and 02/08/2020. The union contends Carrier Salazar requested 8 hours sick leave on 02/03/2020 for his father in law's open heart surgery on 02/07/2020; however, management disapproved the request the same day with no remorse over his family crisis. On 02/07/2020 he ultimately called in for sick leave dependent care because his wife was emotionally unstable to drive and a subsequent call SLDC for 02/08 because the operation was postponed as there were complications with other patients. The union contends Carrier Salazar tried to turn in a PS Form 3971 when management informed him without documentation the PS Form 3971 would not be approved.

The union requests management cease and desist violating Article 10 of the National Agreement and the grievant be paid annual leave for time approved on PS Form 3971 and the grievants be made whole. The union requests management cease and desist from requiring all carriers to submit medical documentation for absences of 3 days or less. The union requests the steward be paid a lump sum of \$125.00 for management failing to abide with the previous DRT decision. The union request the steward be paid 3 hours at the straight time rate since management failed to provide steward time on the clock and cease and desist from violating Article 17.

Management did meet at Formal A; however, provided no contentions in the file.

The DRT review of the case file revealed all three grievants called in and requested either annual or sick leave for 02/07/2020 and 02/08/2020, but were charged Absent Without Leave (AWOL). Carrier Rosas' request for annual leave for two days of absence was approved by local management on PS Form 3971. Carrier Salazar's request for sick leave dependent care was disapproved even though documentation was provided. Carrier Cabral's request for sick leave was disapproved – no documentation. The file did not evidence the reason management required the documentation; therefore, the team agreed because the absences were less than three days, the leave requests would be paid accordingly. The Employee and Labor Relations Manual states in relevant part;

513.361 Three Days or Less For periods of absence of 3 days or less, supervisors may accept the employee's statement explaining the absence. Medical documentation or other acceptable evidence of incapacity for work or need to care for a family member is required only when the employee is on restricted sick leave (see 513.39) or when the supervisor deems documentation desirable for the protection of the interests of the Postal Service. Substantiation of the family relationship must be provided if requested.

JCAM, page 17-6 states in part;

Right to Steward Time on the Clock. Although a steward must ask for supervisory permission to leave his or her work area or enter another one to pursue a grievance or potential grievance, management cannot "unreasonably deny" requests for paid grievance-handling time. Management may not determine in advance how much time a steward reasonably needs to investigate a grievance (National Arbitrator Garrett, MB-NAT-562/MB-NAT-936, January 19, 1977, C-00427). Rather, the determination of how much time is considered reasonable is dependent on the issue involved and the amount of information needed for investigation purposes (Step 4, NC-S-2655, October 20, 1976, M-00671).

RIO GRANDE DISPUTE RESOLUTION TEAM
10410 Perrin Beitel Road, Rm 1059
San Antonio, TX 78284-9608
PHONE 210-368-1784, 210-368-5547, FAX 210-368-8525

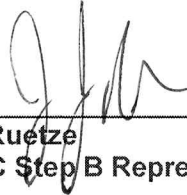
Steward time to discuss a grievance may not be denied solely because a steward is in overtime status (Prearbitration Settlement, W4N-5C-C 41287, September 13, 1988, M-00857). It is the responsibility of the union and management to decide mutually when the steward will be allowed, subject to business conditions, an opportunity to investigate and adjust grievances (Step 4, N-S-2777, April 5, 19 inform the steward of the reasons for the delay and when time will be available. Likewise, the steward has an obligation to request additional time and give the reasons why it is needed (Step 4, NC-C-16045, November 22, 1978, M-00127).

The appropriate remedy in a case where management has unreasonably denied a steward time on the clock is an order or agreement to cease and desist, plus payment to the steward for the time spent processing the grievance off-the-clock which should have been paid time.

Therefore, based on its review of the case file, the DRT agreed to the decision and remedy on page 1 of this report.



Rose Barner
USPS Step B Representative



Jim Ruetze
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 A Steven Gonzalez

NALC Branch President
NALC Formal A Jose Campos
Manager, Rio Grande District
Postmaster
DRT File

Grievance File Contents:

Union Contentions
PS Form 8190
Request for Formal A Meeting
PS Form 3971
Salazar Documentation
Employee Everything Report

PS Form 3972
Hours Type Inquiry Report
Hours Analysis Report
Informal Step A Request
Cabral Paystub
DRT Decision

Payout Request History for Grievance
20172661

[HELP](#)

no data

<p><u>Not Processed By Payroll</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> New (Not yet sent to Payroll) <input checked="" type="checkbox"/> Pending (Not back from Payroll) <input checked="" type="checkbox"/> Submitted (Received acknowledgment from Payroll, awaiting processing) 	<p><u>Payroll Processed</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Paid (Back from Payroll without error) <input checked="" type="checkbox"/> Payroll Error (Back from Payroll with error)
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New, Pending and Submitted Requests

Status	GATS Code	App Seq	Request Amount	Last Name	First Name	SSN	Relevant PP	Requested By	Date Requested	
New		1	\$59.00	CAMPOS	JOSE	8416	PP6 FY2020	YSZ1BC	04/10/2020	<input type="button" value=" Details"/>
Total New: \$59.00										
Total Pending: \$0.00										
Total Submitted: \$0.00										

Paid and Errors from Finance

Status	Error or Warning	App Seq	Request Amount	Amount Paid	PP Paid	Last Name	First Name	SSN	Relevant PP	Requested By	Date Requested
No Data											
Total Paid: \$0.00											
Total Error: \$0.00											