

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

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RESOLVED



STEP B DECISION

Step B Team: Laura Maglaris
Schenequa Neal

District Grieving: Rio Grande
District Deciding: Dallas

Formal Step A Parties:
Michael Moreno, USPS
Richard Gould, NALC

Decision: RESOLVE
USPS Number: G11N-4G-C 16520326
Grievant: James Henderson
Branch Grievance Number: 421-522-16
Branch Number: 421
Installation: San Antonio
Delivery Unit: Cedar Elm
State: Texas
Incident Date: 5/27/2016
Informal Step A Meeting Date: 6/10/2016
Formal Step A Meeting Date: 6/17/2016
Date Received at Step B: 6/23/2016
Step B Decision Date: 7/7/2016
USPS Issue Code: 31.2000
NALC Issue Code: 505006

ISSUE: Did Management violate Articles 17 and 31 of the National Agreement when Health and Resource Management Specialist Sharon Faust would not answer questions asked by the steward in an interview? If so, what is the appropriate remedy?

DECISION: The DRT **RESOLVED** this grievance. Management will comply with the provisions of Article 17, as posted in the EXPLANATION and will respond to all germane questions.

EXPLANATION: On 5/5/2016, the steward requested to interview HR manager Sharon Faust regarding a grievance regarding COP for a carrier. Ms. Faust declined to respond to any of the steward's questions.

The Union contends management violate Articles 17, 19 and/or 31 of the National Agreement when HRM Specialist Faust refused to answer germane questions in regard to a grievance filed the the steward.

The Union stated that steward Smith requested to interview Faust in reference to a grievance filed for the grievant. They stated the grievance was in regard to management failing to pay the grievant COP after he was incapacitated due to an on the job injury. They stated they wanted to ask Faust questions in regard to the failure to pay the grievant COP

and why she denied said payment. They stated by HRM Faust refusing to answer the interview questions; hinders the union in their investigation of the grievance for the grievant.

Management contends all information requested by the union was provided to them with the exception of requested item number 1. They stated HRM Faust does not work for Cedar Elm Station and they do not have jurisdiction to force her to interview with the NALC.

The DRT reviewed all information included in the grievance file and rendered the above decision. The grievance file contains two (2) requests for documentation. One request is dated 5/5/2016 and the other is dated 5/31/2016. Both requests indicate the union is requesting to interview HRM Sharon Faust as the number 1 request on the list. The requests do not show what documentation, if any, was provided.

The grievance file contains email correspondence dated 6/13/2016 between NALC Gould and USPS Lopez concerning Faust interview. The email from Lopez states that Faust had already spoken with Steward Smith; however, there was no indication of the nature of that conversation and when it was held. The email also indicated Smith was supposed to get back to Faust with other specific information.

JCAM pages 17-4 and 17-5 states in part:

Steward Rights—Activities Included. A steward may conduct a broad range of activities related to the investigation and adjustment of grievances and of problems that may become grievances. These activities include the right to review relevant documents, files and records, as well as interviewing a potential grievant, supervisors and witnesses. Specific settlements and arbitration decisions have established that a steward has the right to do (among other things) the following:

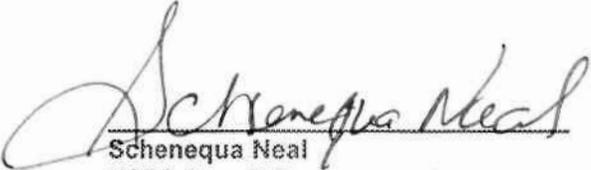
- Complete grievance forms and write appeals on the clock (see below).
- Interview witnesses, including postal patrons who are off postal premises (National Arbitrator Aaron, N8-NA-0219, November 10, 1980, C-03219; Step 4, H1N-3U-C 13115, March 4, 1983, M-01001; Step 4, H8N-4J-C 22660, May 15, 1981, M-00164);
- Interview supervisors (Step 4, H7N-3Q-C 31599, May 20, 1991, **M-00988**);
- Interview postal inspectors (Management Letter, N8-N-0224, March 10, 1981, M-00225);
- Review relevant documents (Step 4, H4N-3W-C 27743, May 1, 1987, M-00837);
- Review an employee's Official Personnel Folder when relevant (Step 4, NC-E 2263, August 18, 1976, M-00104);
- Write the union statement of corrections and additions to the Formal Step A decision (Step 4, A8-S-0309, December 7, 1979, M-01145).
- Interview Office of Inspector General [OIG] Agents.

M-00988 Step 4

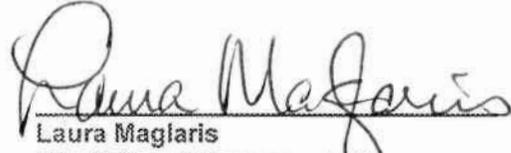
May 20, 1991, H7N-3Q-C 31599

After reviewing this matter, we mutually agreed that no national

interpretive issue is fairly presented in this case. The subject matter of interviews with supervisors has been previously settled in Case NC-S-8463 [M-00012] ("It is anticipated that supervisors will respond to reasonable and germane questions during the investigation of a grievance.") There is no negotiated requirement that questions be submitted in writing in advance, by either party.



Schenequa Neal
USPS Step B Representative



Laura Maglaris
NALC Step B Representative

cc: Rio Grande District DRT

Contents: PS Form 8190, NALC contentions, USPS contentions, Informal Step A requests for documentation, Emails, Item 0-13, HRM Sharon Faust list of questions, M 0012, M-00988, Step B decisions, Request for a Formal Step A meeting, Steward Certification, END