RIO GRANDE DISPUTE RESOLUTION TEAM - AUSTIN

UNITED STATES
POSTAL SERVICE

STEP B DECISION

Step B Team: Decision: RESOLVE
USPS: Jennifer Lewis USPS Number: Gl1N-4G-1326 7908
NALC: Mark L. Malone Grievant: Joe Blancarte
Branch Grievance Number: 421-562-13
NALC Branch #: 421
District: Installation: San Antonio
Rio Grande Delivery Unit: Laurel Heights 48-7964
State: Texas

Step A Reps: Incident date: 06115/2013
USPS: E Jaramillo Date Informal Step A: 06/29/2013
NALC: J Portales Formal Step A Meeting Date: 07116/2013
Date Received at Step B: 07/25/2013 (Aus 0712612013)
Step B Decision Date: 08/08/2013
Issue Code: 17.3000
NALC subject code: 100053
Original Step B Received Date: 07/2512013
Date Sent to Assisting Team: 07/25/2013

ISSUE: Did management violate Articles 15, 17 and 19 of the National Agreement when management violated Mr. Blancarte's Weingarten Rights? If so, what is the appropriate remedy?

DECISION: The dispute resolution team mutually agreed to resolve this dispute. Management violated the grievant's Weingarten Rights by their refusal to allow his representative to actively participate in the interview process. Management will comply with the requirements detailed in Article 17 regarding individual's Weingarten Rights.

EXPLANATION:

The union contends management violated Articles 15, 17 and 19 during an investigative interview with Mr. Blancarte. During the investigative interview Mr. Blancarte and the steward were taken into the office with supervisors Rodriquez and Ramirez. Mr. Rodriquez was the gentleman conducting the investigation; Mr. Ramirez was just a witness. During the interview Mr. Blancarte was asked questions regarding an incident between him and another carrier the day before. After Mr. Blancarte answered the questions, the steward asked if the other carrier felt threatened by the incident and Mr. Rodriquez said that he did not know. The steward asked if any other investigations were done that day since he had seen Mr. Pena questioning the other carrier as well as other carriers. Mr. Rodriquez said he did not know. Mr. Blancarte stated Mr. Rodriquez could go ask real fast; Mr. Rodriquez said he did not have the time. The steward tried asking a few questions and Mr. Rodriquez said that there was not time. Mr. Blancarte stated that by not letting the steward speak or ask questions they were violating his Weingarten Rights. Mr. Rodriquez said there was no time and that that was it. Mr. Blancarte stated his Weingarten Rights were violated. At that point the investigative interview was over. During the informal meeting the supervisor Ramirez stated that the meeting was just for instructions, at no time during the investigative
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