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STEP B DECISION

Step B Team:
USPS:
John R. Lomba
NALC:
Emre Edwards

Decision: RESOLVE
USPS Number: **G06N-4G-C 0926 2000**
Grievant: **Class**
Branch Grievance Number: **421-513-09**
Branch: **421**
Installation: **San Antonio**
Delivery Unit: **Laurel Heights**
State: **Texas**
Incident Date: **05/13/09**
Date Informal Step A Initiated: **06/06/09**
Formal Step A Meeting Date: **06/19/09**
Date Received at Step B: **06/29/09**
Step B Decision Date: **08/05/09**
Issue Code: **31.0000**
NALC Subject Code: **505006; 505011**

District:
Rio Grande

The Step B Team mutually agreed to extend the time limits.

ISSUE:

Did management violate Article 3, 17, 19, and 31 of the Joint Contract Administration Manual (JCAM) when they failed to comply with a DRT decision by not providing requested documentation within 72 hours? If so, what is the remedy?

DECISION:

The Dispute Resolution Team (DRT), Step B, mutually agreed to **RESOLVE** this grievance. Absent extenuating circumstances, management will provide requested documentation within three working days per previous DRT decision 0913 1214 dated 4/23/09.

EXPLANATION:

The union contends that management failed to comply with a previous DRT decision by not providing documentation within 72 hours. The union contended they were crippled on many grievances due to management's purposely delaying or not supplying documentation. The union questioned why management is so corrupt in not following the rule(s) they are expected to live by. The union requests as a remedy that management supply documentation within 48 hours of request.

Management contends that the union is not being truthful in their contentions. Management has been supplying documentation within 72 hours. The station had changed to a new Informal A representative and he has complied with the DRT decision. Management countered by providing 16 copies of information requests that did meet the 72 hour timeframe for requested documentation.

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The Step B Team reviewed the case file and determined that the Malone/Geller DRT decision cited by the union reads as "Absent extenuating circumstance, management will provide relevant requested documents within three (3) working days of the receipt of the request;72 hours." The union must understand that there may be reasons (extenuating circumstances) for delay of documents.

The Union submitted five Informal Step A Request for Documentation forms in support of their contentions. Of those, the Union alleged that no documents were received (ever) in at least three instances. One form was submitted on 5/28/09 for an alleged infraction on 4/30/09. But it was not given to management until 5/28/09 the same day the union notified management that they were requesting to meet at Informal Step A. The meeting was held on June 3 with the union claiming documents were never provided. This left the Team questioning why the steward waited until 28 days after the alleged infraction to request documents and then requested to meet the same day. Similar documents requested for the same grievance were provided and included in the case file prior to appeal to Step B. Management's failure to provide the additional requested documents was a contention in that grievance. The Malone/Geller Step B Team answered that grievance but determined that the requested documentation was not necessary in order to decide the case.

The DRT mutually agreed that an Informal Step A Request for Documentation form within the file did show that documentation was received, on at least one occasion, after the 72 hour timeframe envisioned by the Malone/Geller Step B Team. However, the case file was devoid of any contentions or evidence to show how the Union's ability to process the grievance for which the documents were requested was hampered. For one of the other requests, management stated that documentation had been given and furnished a form that had a date and the supervisor's initials. It did not, however, have the steward's initials, confirming that the documents had been received. Management is reminded that securing the steward's initials at the time the documentation is provided is one way to prove that the paperwork was provided timely. In the event the union chooses to raise a future allegation of non-compliance on this issue, the union is reminded that both parties and the process is better served if the union does so within the filing period following each occurrence. If extenuating circumstances exist, this gives both parties an opportunity to present their relative contentions. In the instant case file, all but one of the Informal Step A Request for Documentation forms were not even submitted until after the incident date cited on the PS Form 8190.

The DRT mutually agreed that reaffirming the Malone/Geller decision that called for management to provide documentation within three working days, absent extenuating circumstances, was the appropriate remedy for this instant grievance.

Grievance File Contents:

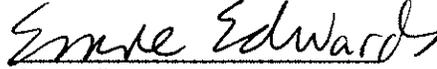
Additions and corrections
PS Form 8190
Union's Contentions, 3 pages
Copies of Informal Request Forms, 4 pages
Copy of PS Form 8190
Request Formal Step A Meeting Forms
Copy of Informal Request Form
DRT Decision Dated 4/23/09

RIO GRANDE DISPUTE RESOLUTION TEAM
600 N. Frio
San Antonio, TX 78207-9998
PHONE 210-212-8249, FAX 210-212-8251

Request Formal Step A Meeting Forms
Management's contentions (9 pages)
Copies of Informal Step A Request forms, 16 pages
PS Form 8190



John R. Lomba
USPS Step B Representative



Emre Edwards
NALC Step B Representative

cc: Art Tovar, (A) Manager, Labor Relations, Southwest Area
Manny Arguello, District Manager, Rio Grande District
NALC NBA, Region 10
Manager, Human Resources, Rio Grande District
Manager, Labor Relations, Rio Grande District
Postmaster, San Antonio
NALC Branch President
USPS Formal A Representative (R Moya)
NALC Formal A Representative (J Blancarte)
DRT File