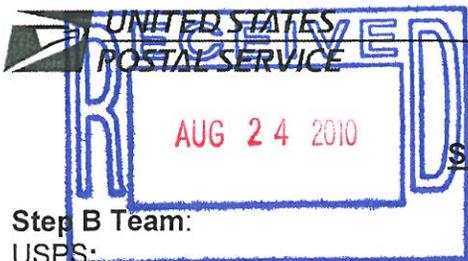


TB

RIO GRANDE DISPUTE RESOLUTION TEAM  
10410 Perrin Beitel, Room 1059  
San Antonio, TX 78284-8430  
PHONE 210-368-1760, FAX 210-368-8525



**STEP B DECISION**

COPY

Step B Team:  
USPS:  
Rene Benavidez  
NALC:  
Emre Edwards

Decision: **RESOLVE**  
USPS Number: **G06N-4G-C 1029 3584**  
Grievant: **Joseph Blancarte**  
Branch Grievance Number: **421-671-10**  
Branch: **421**  
Installation: **San Antonio**  
Delivery Unit: **Laurel Heights**  
State: **Texas**  
Incident Date: **07/06/10**  
Date Informal Step A Initiated: **07/23/10**  
Formal Step A Meeting Date: **08/06/10**  
Date Received at Step B: **08/17/10**  
Step B Decision Date: **08/20/10**  
Issue Code: **31.0000**  
NALC Subject Code: **505006; 505011**

District:  
Rio Grande

**ISSUE:**

Did management violate Article 3, 15, 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. Steward time will be provided in accordance with Article 17 of the National Agreement. Steward Blancarte will furnish a list of documentation previously requested but not yet provided to the designated Informal Step A supervisor by August 25, 2010. Similarly, a list of steward time requested and not previously provided will be prepared by Steward Blancarte, annotated with grievance number and subject matter as well as a notation of any steward time previously provided for that grievance number and the list will be given to the designated Informal Step A supervisor by August 27, 2010. Absent extenuating circumstances, management will provide requested documentation within three working days in accordance with previous DRT decision(s). Reasonable steward time must be provided for each grievance. *If management delays a steward from investigating a grievance, it should 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). See DRT Explanation.

**EXPLANATION:**

The union contends that management refused to provide information in a timely manner and refused to give steward Blancarte time to work on grievances on the clock. The union contends that despite efforts to receive relevant information management has denied the union information which has hindered the union's ability to present a plausible case at times.

The union contends management has provided an explanation as to why the delay has occurred as not having time to process the information request. The union contends that the delay of information has occurred with both the steward and the alternate at Laurel Heights.

The union contends they did reach an agreement to resolve this grievance at the Informal A level and that an extension to time limits would be agreed upon to provide the language necessary to resolve this grievance.

The union asks as a remedy for management to cease and desist from violating the union's rights under Articles 17 and 31. The union further requests that Laurel Heights management provide requested information within three business/working days as agreed upon or otherwise make whole.

Management contends they are making a good faith effort to process requests as soon as possible. Management contends the union is refusing to bargain in good faith by requesting documentation be provided within 48 hours. Management contends Mr. Blancarte's behavior and actions are less than professional by requesting 3 hours of steward time when he knows full well that he will be out on annual leave.

Management contends that it has been necessary to conduct Labor and Management meetings at this unit and each time the parties have agreed to abide by the contract and "move forward". Management contends that during the last meeting the union was advised that the use of P.S. Form 3996 is not the proper form for requesting and or documenting the need for steward time.

Management contends steward Blancarte was informed he should utilize the Informal Step A Request form to document his information requests as well as his need for steward time. Management contends Mr. Blancarte still refuses to utilize the appropriate forms. Management contends steward time can be documented and tracked when requested on the appropriate forms.

Management contends that despite Mr. Blancarte's refusal to use the appropriate form, management has and continues to grant Mr. Blancarte his steward time in excess of the time originally requested. Management contends this is above and beyond what is required by management.

Management contends they question why Mr. Blancarte would inform management that he has mailed off a particular grievance and identify the grievance number only to return the next day and approach management and ask for time to work on a grievance he has allegedly already mailed.

RIO GRANDE DISPUTE RESOLUTION TEAM  
10410 Perrin Beitel, Room 1059  
San Antonio, TX 78284-8430  
PHONE 210-368-1760, FAX 210-368-8525

Management contends they refute the statement by Mr. Buitron and question why the union had no supplemental data to support the Buitron statement. Management contends they have complied with the previous agreements and are making a good faith effort to provide both steward time and documentation when requested. Management contends they denied the grievance for all the aforementioned reasons.

The DRT mutually agreed that an Informal Step A Request for Documentation form within the case file did not conclusively prove that documentation requested or steward time requested was in fact not provided or granted. The DRT mutually agreed that both parties have failed to properly execute the appropriate entries on the Informal Step A requests. 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.

The DRT mutually agreed that the case file evidenced that the union offered management a resolution to cease and desist and provide documentation within three working days, reaffirming the Malone/Geller decision. Absent extenuating circumstances, the Edwards/Benavidez Team mutually agrees that readily available relevant documentation and/or information should be supplied to the Union within three working days. The DRT mutually agreed the appropriate remedy in this case is for management to respond to the Union's request by providing the documentation within three working days of receipt of this decision and/or show why it is not relevant or reasonable.

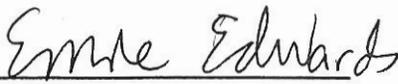
Furthermore, the DRT mutually agreed that adherence to making the proper entries and securing both management's and union's initials and/or signatures where necessary on the request form is paramount. Failure to abide by the process for validating information and/or steward time requests only inhibits both parties ability to stay compliant with the provisions of Articles 17 and 31 of the National Agreement.

**Grievance File Contents:**

Steward Statement  
PS Form 8190  
Copy of PS Form 8190  
Request Formal Step A Meeting Forms  
Copy of Informal Request Forms  
Management's Contentions, 3pgs  
TACS Reports  
Buitron Statement  
Notice To Employees

Supervisor Statement  
Union's Contentions, 3pgs  
Informal Request Form  
P.S. Form 3996's  
Step B Decision Copies, 18  
Additions and Corrections  
Statements, Alamo Heights  
Statements, Laurel Heights

  
Rene Benavidez  
USPS Step B Representative

  
Emre Edwards  
NALC Step B Representative

RIO GRANDE DISPUTE RESOLUTION TEAM  
10410 Perrin Beitel, Room 1059  
San Antonio, TX 78284-8430  
PHONE 210-368-1760, FAX 210-368-8525

cc: **Manager, Labor Relations, Southwest Area**  
**Manny Arguello, District Manager, Rio Grande District**  
**Kathy Baldwin, 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 (B. Rodriguez)**  
**NALC Formal A Representative (J. Buitron)**  
**DRT File**