

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

James Chandler
USPS Representative

1112 18th Street
Plano, TX 75074
PH # 972-578-4703
Fax #972-578-8054

Kimetra Y. Lewis
NALC Representative



RESOLVED



STEP B DECISION

Step B Team: Kimetra Lewis
James Chandler

Grieving District:
Rio Grande

District: Dallas

Formal Step A Parties
NALC: Richard Gould
USPS: Mark Harpel

Decision: RESOLVED
USPS Number: G11N-4G-C 15296739
Grievant: Gabriel Inclan
Branch Grievance Number: 421-536-15
Branch Number: 421
Installation: San Antonio
Delivery Unit: Serna
State: Texas
Incident Date: 07/24/2015
Date Informal Step A Initiated: 08/11/2015
Formal Step A Meeting Date: 08/25/2015
Date Received at Step B: 09/01/2015
Step B Decision Date: 09/14/2015
USPS Issue Code: 15.0000/17.3200
NALC Issue Code: 505006
Original Step B Received Date:
Date Sent to Assisting Team:

ISSUE: Did Management violate Articles 15, 17 and 31 of the National Agreement when Management failed to provide information to the Union in a timely manner and when Management failed to comply with multiple Step B decisions? If so, what is the appropriate remedy?

DECISION: The Dispute Resolution Team (DRT) agreed to **RESOLVE** this grievance. Management violated Articles 17 and 31 when Management failed to provide requested information in a timely manner. The DRT determined that a monetary remedy for the failure in this instant case was warranted. The case file included a previous Step B decision in which a cease and desist was awarded as well as precaution to Management that unreasonable delays in providing documentation may result in monetary sanctions. In this instant case the DRT came to a mutual agreement that a cease and desist was in order and that a lump sum payment of \$75.00 is to be paid to the grievant (EIN 02110783) for the unreasonable delay in complying with the information request for his grievance.

EXPLANATION: The Union initiated a grievance alleging Management failed to provide the Union with requested information for Grievance #421-418-15 regarding an IMIP ordered through Step B decision, G11N-4G-C 15052103/421-993-14. The

Union requested the information because they were of the belief that the IMIP was not conducted properly. The Union contends Management's failure to provide the Union with the requested information has harmed the Union's right to initiate a grievance by restricting its ability. The Union contends this is not an isolated incident. The Union contends the San Antonio Installation has been issued a cease and desist order regarding unreasonable delays in providing the Union with requested documentation and monetary remedies have been assessed for the violations. The Union further contends a precedent setting Step B decision requires management within the San Antonio Installation to provide requested information to the Union within 72 hours of its request.

Management contends Serna Station is under new management. Management contends the management staff at Serna Station will make every effort to gather requested information within the indicated time requirements and work in good faith with the Union.

The JCAM is clear on management's requirement to supply requested documentation though it does not state it must be done within a specific timeframe. However, the Rio Grande DRT rendered a precedent setting decision for the San Antonio Installation which stated in part, "**Absent extenuating circumstances, management will provide requested documentation within three working days in accordance with previous DRT decision(s).**" Management's continued failure to comply with information requests have resulted in monetary penalties.

Article 17.3 of the National Agreement states in part the following:

17.3 Section 3. Rights of Stewards

The steward, chief steward or other Union representative properly certified in accordance with Section 2 above may request and shall obtain access through the appropriate supervisor to review the documents, files and other records necessary for processing a grievance or determining if a grievance exists and shall have the right to interview the aggrieved employee(s), supervisors and witnesses during working hours. Such requests shall not be unreasonably denied.

Page 17-6 of the JCAM provides:

Right to Information. The NALC's rights to information relevant to collective bargaining and to contract administration are set forth in Article 31. This section states stewards' specific rights to review and obtain documents, files and other records, in addition to the right to interview a grievant, supervisors and witnesses.

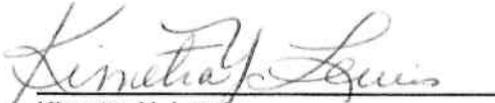
Steward requests to review and obtain documents should state how the request is relevant to the handling of a grievance or potential grievance. Management should respond to questions and to requests for documents in a cooperative and timely manner. When a relevant request is made, management should provide for review and/or produce the requested documentation as soon as is reasonably possible.

Per Article 31.3 of the National Agreement:

Section 3. Information

The Employer will make available for inspection by the Union all relevant information necessary for collective bargaining or the enforcement, administration or interpretation of this Agreement, including information necessary to determine whether to file or to continue the processing of a grievance under this Agreement. Upon the request of the Union, the Employer will furnish such information, provided, however, that the Employer may require the Union to reimburse the USPS for any costs reasonably incurred in obtaining the information.

The DRT carefully reviewed the contents of the grievance file and considered the positions of both parties. On May 4, 2015, the Union made a request to Management to obtain information pertaining to an IMIP conducted at the Serna Station. Per the record, the items requested were not provided to the Union until August 20, 2015; well beyond the agreed upon time frame of 72 hours following the request. There was no evidence of any extenuating circumstances were presented within the written papers. As stated by Management, the Serna Station is under new management. The DRT took that into consideration in their assessment of the violation. Based upon the evidence presented within the grievance file, the DRT agreed with the decision cited above.


Kimetra Y. Lewis
NALC Step B Representative


James Chandler
USPS Step B Representative

cc: Rio Grande District DRT

Contents:

- PS Form 8190
- NALC Contentions
- USPS Contentions
- Prior Step B Decisions
- Request for Documentation & Steward Time to Investigate a Possible Grievance
- Email Traffic
- Letter to Branch President RE: Union Requests for Information
- Email Traffic
- Step B Decision for Grievance #421-993-14
- Prior Step B Decisions

Payout Request History for Grievance

15296739

[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	\$75.00	INCLAN	GABRIEL	4570	PP16 FY2015	VCMRB0	09/15/2015	<input type="button" value="Details"/>
Total New: \$75.00										
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											