

RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G11N-4G-C 1666 4524
Emre Edwards	Grievant:	Class
NALC:	Branch Grievance Number:	421-619-16
Jim Ruetze	Branch:	421
	Installation:	San Antonio
District:	Delivery Unit:	Laurel Heights
Rio Grande	State:	TX
	Incident Date:	06/25/2016
USPS Formal A:	Informal Step A Meeting:	07/09/2016
Michael R. Moreno	Formal Step A Meeting:	07/22/2016
NALC Formal A:	Received at Step B:	07/28/2016
Joseph Blancarte	Step B Decision Date:	09/12/2016
	Issue Code:	65.2900
	NALC Subject Code:	505011

ISSUES:

Did management violate Articles 3, 15, 17 and/or 31 of the National Agreement and multiple grievance settlements by failing to provide the union with requested information in a timely manner (within 72 hours)? If so, what remedy is appropriate?

Did management violate Article 41 of the National Agreement by failing to provide the union with a copy of PS Form 1723 for a carrier detailed as a 204b supervisor? If so, what remedy is appropriate?

Did management violate Articles 3, 5, and/or 19 of the National Agreement by failing to maintain accurate Time and Attendance Control System (TACS) reports and PS Forms 50 with respect to actual work performed? If so, what remedy is appropriate?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. Management violated the National Agreement by failing to provide requested documentation. Grievant Michael Preusser is awarded a lump sum payment of \$100.00 in an effort to encourage contract compliance on the part of management. This payment has been processed at Step B through GATS; no further action is needed with respect to this payment. See the DRT Explanation below.

EXPLANATION:

On 06/27/2016 NALC Steward Pete Velasquez submitted a request for information in order to investigate a possible grievance. Some information was provided on 07/16/2016 pursuant to a mutual extension of the 72 hour limit for that information, but some documentation was not provided at all.

The union filed this grievance to protest management's failure to provide the union with requested information. Unable to achieve a resolution through the Informal and Formal A steps of the grievance procedure, the union appealed to Step B.

The union contends precedent has been set for the San Antonio installation; requested information must be provided within 72 hours, absent a justifiable reason for the delay.

RIO GRANDE DISPUTE RESOLUTION TEAM
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These Step B decisions have been issued consistently at least as early as 2009 and from multiple teams. Additionally, in this case an extension was granted management and a relevancy letter furnished, yet all requested documentation was still not provided.

The union requests that management cease and desist violating Articles 15, 17, 31 and 19 of the National Agreement/JCAM by not providing information within 72 hours and a monetary remedy to Steward Blancarte of \$300.00. The union requests that management not monetarily hold carrier Preusser liable for management's mistake and that TACS reports reflect accurate Form 50 information. The union requests that management cease and desist failing to provide PS Forms 1723 to the local union.

Management contends they were notified of the error regarding Carrier Preusser's incorrect data in TACS on 07/09/2016. The only difference between the carrier's former bid assignment and his new bid assignment is the scheduled day off rotation. Management contends that the union did not disclose why they were requesting the information

The DRT reviewed the case file and determined that the union's position had merit. Management's contentions did not address the portion of the union's documentation request that included copies of Forms 1723. In accordance with language found in the JCAM, management must provide Forms 1723 to the local union. This issue is addressed in the explanation of Article 1.6.A (below).

The prohibition against supervisors performing bargaining unit work also applies to acting supervisors (204b). The PS Form 1723, which shows the times and dates of the 204b detail, is the controlling document for determining whether an employee is in a 204b status. A separate PS Form 1723 is used for each detail. A single detail may not be broken up on multiple PS Forms 1723 for the purpose of using a 204b on overtime in lieu of a bargaining unit employee. Article 41.1.A.2 requires that a copy of the PS Form 1723 be provided to the union at the local level.

A portion of the contractual language found in Article 41.1.A.2 provides that the Form 1723 **will be provided** to the union **at the local level**:

*Form 1723, **Assignment Order**, shall be used in detailing letter carriers to temporary supervisor positions (204b). The Employer will provide the Union at the local level with a copy of Form(s) 1723 showing the beginning and ending of all such details.*

The DRT mutually agrees that it is incumbent upon management to ensure that data in TACS is accurate in order to maintain the integrity of USPS record-keeping and provide precise and timely payroll records. There is no dispute in the case file that grievant Preusser's SDO changed the week beginning 06/11/2016 but evidence in the file confirmed that management had failed to take the necessary steps to correct TACS and other records as of 07/02/2016. It should not be necessary for the union to inform management of errors in USPS' everyday business records.

Based on its review of the case file, the DRT mutually agreed to the decision and remedy above.



Emre Edwards
USPS Step B Representative



Jim Ruetze
NALC Step B Representative

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cc:

LR Manager, SW Area
NALC Region 10 NBA
Rio Grande District HR Manager
Rio Grande District LR Manager
Management Formal Step A

NALC Branch President
NALC Formal Step A Designee
Manager, Rio Grande District
Postmaster, San Antonio, Texas
DRT File

Grievance File Contents

PS Form 8190
Union Contentions
Management Contentions
Requests for Information
Time Limit Extension for Documents
Relevancy Letter
Employee Moves Reports
Letter Carrier Schedule
Statement from Preusser
Route Award Notice
Steward Designation Letters
MRS Excerpt re: Alternate Stewards

PS Forms 1723
Formal Step A Meeting Request
Time Limit Extensions
Agreement: Management Rec't of Docs
Employee Everything Reports
Prior Step B Decisions
MSP Location Report
Prior Grievance Settlements
PS Forms 50
Employee Listing Report
Hours Analysis Reports

Ruetze, James J

From: Edwards, Emre L - Austin, TX
Sent: Tuesday, September 20, 2016 1:07 PM
To: Ruetze, James J
Subject: PH 1666 4524

**Payout Request History for Grievance
16664524**

[HELP](#)

Top of Form

Not Processed By Payroll

New (Not yet sent to Payroll)
Pending (Not back from Payroll)
Submitted (Received acknowledgment
from Payroll, awaiting processing)

Payroll Processed

Paid (Back from Payroll without error)
Payroll Error (Back from Payroll with error)

New, Pending and Submitted Requests

Status	GATS Code	App Seq	Request Amount	Last Name	First Name	SSN	Relevant PP	Requested By	Date Requested	
New		2	\$100.00	PREUSSER	MICHAEL	6615	PP14 FY2016	YRH400	09/20/2016	
Total New: \$100.00										
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												

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