

RESOLVE



**STEP B DECISION**

<b>Step B Team:</b>	Decision:	<b>RESOLVE</b>
USPS:	USPS Number:	<b>G11N-4G-C 1667 8168</b>
<b>Emre Edwards</b>	Grievant:	<b>Class</b>
NALC:	Branch Grievance Number:	<b>421-612-16</b>
<b>Jim Ruetze</b>	Branch:	<b>421</b>
	Installation:	<b>San Antonio</b>
District:	Delivery Unit:	<b>Laurel Heights</b>
<b>Rio Grande</b>	State:	<b>TX</b>
	Incident Date:	<b>06/30/2016</b>
USPS Formal A:	Informal Step A Meeting:	<b>07/16/2016</b>
<b>Michael R. Moreno</b>	Formal Step A Meeting:	<b>07/28/2016</b>
NALC Formal A:	Received at Step B:	<b>08/04/2016</b>
<b>Ernest Rosas</b>	Step B Decision Date:	<b>09/15/2016</b>
	Issue Code:	<b>31.2000</b>
	NALC Subject Code:	<b>505006</b>

**ISSUES:**

Did management violate Articles 3, 15, 17, and/or 31 of the National Agreement by failing to timely provide information requested by the union? If so, what remedy is appropriate?

**DECISION:**

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file evidenced the National Agreement was violated. Steward Pete Velasquez (EIN 02121408) is compensated \$100.00 in an effort to emphasize the parties' commitment to contract compliance. The payment has been entered via GATS at Step B; no further action is needed at the unit to process this payment.

Consistent with prior Step B decisions from the San Antonio installation, management shall cease and desist failing to provide requested information to the union within 72 hours unless it can demonstrate extenuating circumstances existed. See the DRT Explanation below.

**EXPLANATION:**

On 06/25/2016 Laurel Heights Chief Steward Ernest Rosas submitted a Request for Information to Supervisor Daniel Mendez to enable the union to investigate possible overtime violations during the preceding week. According to multiple Step B decisions, management has 72 hours in which to provide requested information to the union unless there are extenuating circumstances, but some of the information Rosas requested was not provided until 07/01/2016, and some was not provided at all.

The union filed this grievance to protest management's failure to provide the requested information within the required 72 hours. 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 overtime violations are commonplace and the information is readily available. In support of this contention, the union references information requests for the same reports for previous grievances, which management provided within 20 minutes of the union's request. Because management has demonstrated that the information is readily available, there is no excuse for a delay. The union contends this issue has been ongoing for

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years, with precedent-setting Step B decisions including cease and desist remedies as well as monetary remedies ranging from \$50.00 to \$150.00.

The union contends management's delays in providing information harms the intent of the Dispute Resolution Process by preventing the union from promptly correcting contract violations. Additionally, the time limit for filing grievances means some grievances cannot be fully developed without timely access to information. The best case scenario under such circumstances is for the grievance to be remanded for further development with instructions to management to provide information. The worst case would be for a decision to be rendered without the union having an opportunity to fully investigate. The union contends it offered to waive its request for a monetary remedy in exchange for an agreement to provide readily available information within 24 hours, but the offer was refused.

The union requests that management cease and desist failing to provide requested information to the union within 72 hours. The union also requests a monetary remedy of \$400.00 to encourage contract compliance, since the smaller remedies included in prior Informal Step A, Formal Step A and Step B settlements has not had the desired effect.

**Management** met at Formal Step A and signed PS Form 8190 on 07/28/2016, but no management contentions were included in the file.

**The DRT** reviewed the case file and determined the union's position had merit. The Request for Information was signed by Supervisor Daniel Mendez on 06/25/2016. Supervisor Mendez and Alternate Steward Pete Velasquez also initialed the Request for Information on 07/01/2016 acknowledging that four of the five requested items had been received on that date. The Request for Information includes a notation by the fifth item (Employee Everything Report) that it was missing.

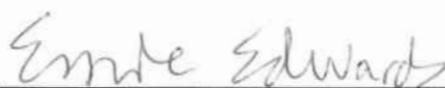
The DRT agreed the information requested was customary to investigate possible overtime violations. Management offered no explanation for the delay and made no claim there were extenuating circumstances. The JCAM offers the following regarding the union's right to information:

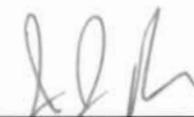
*Information. Article 31.3 provides that the Postal Service will make available to the union all relevant information necessary for collective bargaining or the enforcement, administration or interpretation of the Agreement, including information necessary to determine whether to file or to continue the processing of a grievance. It also recognizes the union's legal right to employer information under the National Labor Relations Act.*

The Step B decision in case G06N-4G-C 0913 1214 provides the following:

*Absent extenuating circumstance[s], management will provide relevant requested documents within three (3) working days of the receipt of the request (72 hours).*

Based on its review of the case file, the DRT determined the case file evidenced a violation and 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  
Request for Information  
Time Limit Extension  
Request for Formal Step A Meeting

Steward Statement  
Prior Requests for Information  
Employee Moves Reports  
Prior PS Forms 8190/Settlements  
Prior Step B Decisions  
Donna Dunker Letter to Tony Boyd

**Ruetze, James J**

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**From:** Edwards, Emre L - Austin, TX  
**Sent:** Friday, September 23, 2016 12:10 PM  
**To:** Ruetze, James J  
**Subject:** PH 1667 8168

**Payout Request History for Grievance  
16678168**

[HELP](#)

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**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	VELASQUEZ	PETE	0642	PP14 FY2016	YRH400	09/23/2016

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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