



RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G11N-4G-C 1667 8282
Emre Edwards	Grievant:	Class
NALC:	Branch Grievance Number:	421-611-16
Jim Ruetze	Branch:	421
	Installation:	San Antonio
District:	Delivery Unit:	Laurel Heights
Rio Grande	State:	TX
	Incident Date:	07/01/2016
USPS Formal A:	Informal Step A Meeting:	07/16/2016
Michael R. Moreno	Formal Step A Meeting:	07/28/2016
NALC Formal A:	Received at Step B:	08/04/2016
Ernest Rosas	Step B Decision Date:	09/15/2016
	Issue Code:	31.2000
	NALC Subject Code:	505006

ISSUES:

Did management violate Articles 3, 17, and/or 31 of the National Agreement by failing to 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. Letter Carrier Mario Coronado (EIN 02311685) 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 06/27/2016 Laurel Heights Alternate Steward Pete Velasquez submitted to Supervisor Daniel Mendez an information request for the Employee Everything Reports for Letter Carrier Mario Coronado to enable the union to investigate a possible grievance. 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 the information Velasquez requested was not provided; rather, management provided a different report (the Employee Moves Report).

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 management has made a habit of failing to provide documentation and failing to comply with Step B decisions. The union contends this issue has been ongoing for

RIO GRANDE DISPUTE RESOLUTION TEAM
10410 Perrin Beitel Road, Rm 1059
San Antonio, TX 78284-9608
PHONE 210-368-1760, 210-368-1784, FAX 210-368-8525

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 \$200.00 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 06/27/2016. The case file includes Employee Moves Reports, but not the Employee Everything Reports that were requested.

The DRT agreed the case file did not include any indication the information was difficult to obtain. 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 a violation occurred and agreed to the decision and remedy above.



Emre Edwards
USPS Step B Representative



Jim Ruetze
NALC Step B Representative

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10410 Perrin Beitel Road, Rm 1059
San Antonio, TX 78284-9608
PHONE 210-368-1760, 210-368-1784, FAX 210-368-8525

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

From: Edwards, Emre L - Austin, TX
Sent: Friday, September 23, 2016 12:20 PM
To: Ruetze, James J
Subject: PH 1667 8282

**Payout Request History for Grievance
16678282**

[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	CORONADO	MARIO	1904	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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