



STEP B DECISION

Step B Team:	Decision:	<u>RESOLVE</u>
USPS:	USPS Number:	G11N-4G-C 1754 7483
Alex Zamora	Grievant:	Amanda Montalvo
NALC:	Branch Grievance Number:	421-667-17
Karrie Kimbrell	Branch:	421
	Installation:	San Antonio
Deciding District:	Delivery Unit:	Hackberry
Rio Grande	State:	Texas
	Incident Date:	06/30/2017-Ongoing
	Informal Step A Initiated:	07/07/2017
	Formal Step A Meeting:	No meeting
USPS Formal A:	Date Received at Step B:	07/26/2017
Stephanie Olivares	Step B Decision Date:	08/02/2017
NALC Formal A:	Issue Code:	31.2000
Richard Gould	NALC Subject Code:	505006

ISSUE:

1. Did management violate Articles 17 and 31 of the National Agreement when they failed to provide the union with requested information for grievance # 421-549-17 in a timely manner (72 Hours)? If so, what is the remedy?
2. Did management violate Article 15, Section 3.A and Postal Service policy letter (M-01517) via Article 19 of the National Agreement by failing to comply with multiple grievances Step B resolution/settlements(s)? If so what is the appropriate remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file evidenced violations of both issue statements as presented. In line with the multitude of Step B decisions contained in the case file, Carrier Montalvo (EIN 04339668) has been 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 to process this payment.

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

EXPLANATION:

Documentation was requested by the union on 06/10/2017. The information was not provided until 07/01/2017.

The union contends management violated Articles 17.3, 17.4, and 31 of the National Agreement by failing to provide the union with documentation within a reasonable amount of time. Step B decisions have established that 72 hours is a reasonable amount of time to provide information to the union. The union made the request for this class action by filling out an Informal Step A request. The Request for Information was given to and signed for by Supervisor Manuel Musquiz on 06/10/17. Management provided the documentation on 07/01/17. This was

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21 days after the request for information was made. There is no reason this should have taken as long as it took.

The union has had issues with the San Antonio Installation failing to provide information and failing to comply with Step B language on numerous occasions. Included are several DRT decisions ordering Management to 'Cease and Desist' from this practice of providing information late or not at all. In the following decisions, Step B teams have concluded that management in the San Antonio Installation must provide information within a 72 hour time.

When management fails to provide information in a reasonable amount of time, it not only harms the grievant/grievants involved in the case, but also harms the grievance process as a whole. First and foremost the grievant/grievants expect timely processing of the grievance in order to correct managerial actions and decisions. Some of these actions may involve monies or discipline issues which should be processed in a timely manner. Delay in information and/or failure to provide the information at all results in cases that are not fully developed, which will be remanded, or a delay in the development of the cases. This is not what the union bargained for.

The steward only has a short window in which to fully investigate and develop the case. The steward cannot fully investigate possible grievances when the information is not provided or delayed. It is imperative that the case be fully developed within the time limits prescribed in multiple Step B decisions.

Prior sanctions have not deterred management in regard to providing information to the union. Management cannot be allowed to continually violate these agreements and decisions in the manner they have in the past, and continue to do in the present. So far the small monetary sanctions of \$50.00, \$75.00, and \$100.00 and \$200.00, along with cease and desists, have not remedied the issue. A stronger statement must be issued to persuade management to abide by these agreements and decisions.

It is for this reason that the union is requesting the DRT to honor the previous decisions stating that future unreasonable delays may result in more severe monetary sanctions from this office. Management has been forewarned, yet refuses to abide by these decisions. The Union requests management 'cease and desist' violating Articles 17 and 31 of the National Agreement and also requests \$250.00 to be paid to the grievant as an incentive for management to provide all relevant requested documentation to the union within 72 hours.

Management did not meet at the Formal Step A level and did not provide any contentions.

The DRT reviewed the case file and determined the union's position had merit. The Request for Information was signed by the supervisor on 06/10/2017. The same form shows the information was received on 07/01/2017. 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:

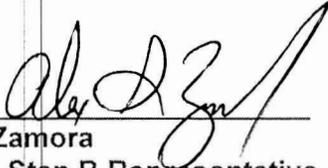
***Information.** Article 31.3 provides that the Postal Service will make available to the union all relevant information necessary for collective bargaining or the enforcement, administration or interpretation of the Agreement, including information necessary to determine whether to file or to continue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

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

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

The union evidenced a substantial history of failure to comply with Step B decisions and failure to provide information within the agreed upon 72 hours. Based on its review of the case file, the DRT determined a violation occurred and agreed to the decision and remedy above.



Alex Zamora
USPS Step B Representative



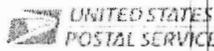
Karrie Kimbrell
NALC Step B Representative

Grievance File Contents:

PS Form 8190
Union Contentions
Informal Step A Request
Pre-Arbitration Agreement

Step B Decision
USPS Tracking
Formal Step A Request

cc: Area Manager of Labor Relations, Southern Area
NALC NBA, Region 10
District Manager, Rio Grande District
Manager, Human Resources, Rio Grande District
Manager, Labor Relations, Rio Grande District
Postmaster
NALC Branch President
USPS Formal A Representative
NALC Formal A Representative
DRT File



GATS

Grievance/Appeal

-Grievance Sub Menu-

My GATS

Payout Request History for Grievance

17547483

[HELP](#)

<p>Not Processed By Payroll</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>Payroll Processed</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) 	
<p>< Back</p>		<p>Show History</p>	

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	MONTALVO	AMANDA	7067	PP14 FY2017	KBY9N0	08/04/2017	Data
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											