



STEP B DECISION

Step B Team:	Decision:	<u>RESOLVE</u>
USPS:	USPS Number:	G16N-4G-C 1848 1127
Jose Portales	Grievant:	Class
NALC:	Branch Grievance Number:	421-1105-18
Robin Gutman	Branch:	421
	Installation:	San Antonio
District:	Delivery Unit:	Laurel Heights
Rio Grande	State:	TX
	Incident Date:	09/15/2018
USPS Formal A:	Informal Step A Meeting:	10/16/2018
Richard Ketchum	Formal Step A Meeting:	12/06/2018
NALC Formal A:	Received at Step B:	12/12/2018
Joseph Blancarte	Step B Decision Date:	01/18/2019
	Issue Code:	65.2900
	NALC Subject Code:	600232

ISSUE:

Did management, namely Area Manager Eric Rodriguez, violate Articles 3, 15, 19 and 41 of the National Agreement by failing to comply with DRT decision 421-758-18 and Formal Step A decision 421-635-18? If so, what is the appropriate remedy?

Did management violate Articles 15, 17 and or 31 of National Agreement by failing to provide time and grant interviews in order for the union to fully develop this case? If so, what is the appropriate remedy?

Did management violate Article 15 by refusing to comply with Postal Service Policy Letter (M-01517) via Article 19 when they refused to comply with Step B decisions requiring management to provide information/interviews with in a reasonable time (72 hours)? If so, what is the appropriate remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. Area Manager Eric Rodriguez will comply with Formal Step A settlement (421-635-18) no later than close of business on 01/22/2019, with a union representative either from Laurel Heights Station or from the office of NALC Branch 421 present. See the DRT Explanation below.

EXPLANATION:

This grievance concerns an incident that took place at Laurel Heights Station in San Antonio, Texas involving Area Manager Eric Rodriguez. In June of 2018 the union received some complaints from various City Carrier Assistants (CCAs) of some perceived threatening and intimidating remarks made to them by Mr. Rodriguez while he was at the station. The union filed a grievance on 06/13/2018 and a resolution was reached at Formal Step A and signed on PS Form 8190 on 07/06/2018. The decision

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stated in relevant part, "Eric Rodriguez will apologize to the employees at Laurel Heights within 14 days of this agreement".

On 08/30/2018 DRT received a grievance from Laurel Heights (G16N-4G-C 1838 7553) indicating the apology had not yet taken place. During the review of the file the DRT was able to determine Mr. Rodriguez had acknowledged the remarks as being inappropriate and had apologized in a Joint Labor-Management Meeting. None of the affected CCAs were in this meeting. In the DRT Explanation it stated, "If the apology has not yet been made to the CCAs, it should be done as soon as practicable." On 09/15/2018 the union filed a grievance stating Mr. Rodriguez had still not complied with the settlement made at Formal Step A on 07/06/2018.

The union also filed this grievance to protest management's failure to provide information and time for interviews. Unable to reach a resolution through the Informal A and Formal A steps of the dispute resolution process, the union appealed the grievance to Step B.

The union contends management, namely Area Manager Eric Rodriguez, failed to comply with settlement 421-635-18 made at Formal Step A on 07/06/2018. The union also contends Mr. Rodriguez failed to comply again when the DRT decision was rendered saying compliance was mandatory. The union contends they have given management more than enough time to comply with the settlement.

The union contends in addition to the above, the union was denied the opportunity to interview personnel identified to Supervisor Johnson.

The union requested a written apology from Area Manager Rodriguez to be read at multiple stand ups and that Mr. Rodriguez monetarily compensate all the carriers at Laurel Heights \$1.00 a day for every day beyond 07/06/2018.

The union request interviews and information be provided timely and requested a \$1000 monetary remedy for management's continued failures.

Management contends the grievance is untimely at Informal Step A. Because the PS Form 8190 was dated 07/06/2018, the grievance would have to have been filed by 08/04/2018. The union also contends Mr. Rodriguez was not part of the decision from the DRT. He was only mentioned in the explanation. Management contends the amount of money the union wants is unjust enrichment.

The DRT reviewed the file and agreed the file indicates Area Manager Rodriguez failed to comply with the Formal Step A decision made between Joseph Blancarte (NALC) and Steven Gonzalez (USPS) on 07/06/2018. The team was able to speak with Mr. Rodriguez and obtain a committed date for the grievance resolution to be carried out based on the next day all the CCAs will be present. Mr. Rodriguez will visit Laurel Heights Station on 01/22/2019 and apologize to the CCAs The team agrees a union representative should be present in order for both parties to have confirmation of completion.

Former Postmaster General Patrick Donahoe issued the following clarification on management's obligations regarding grievance settlements (M-01517):

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Compliance with arbitration awards and grievance settlements is not optional. No manager or supervisor has the authority to ignore or override an arbitrator's award or a signed grievance settlement. Steps to comply with arbitration awards and grievance settlements should be taken in a timely manner to avoid the perception of non-compliance, and those steps should be documented.

The DRT reminds management of its obligation to provide time and requested information, including interviews, in a timely manner.

Page 17-6 of the Joint Contract Administration Manual states in relevant part.

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. (Emphasis added)*

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.

The DRT considered all arguments and evidence in the case file and mutually agreed to the above decision.



Robin Gutman
USPS Step B Representative



Jose Portales
NALC Step B Representative

cc:

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

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

Grievance File Contents

PS Form 8190
Union Contentions (4 pages)
Previous PS Form 8190 (4 pages)
PS Form 8190 Settlement Dated
07/06/2018
Previous DRT Decisions (52 pages)
Previous Formal Step A's (40 pages)
Previous DRT Decisions (113 pages)
Employee Statements (15 pages)

Union Notes
Request for Steward Time (5 pages)
Time Extensions (5 pages)
Informal Step A Request (3 pages)
Letter from Supervisor Johnson dated
09/25/2018
Request for Formal Step A (2 pages)
Managements Contentions (9 pgs)