



**RESOLVE**



**STEP B DECISION**

<b>Step B Team:</b>	Decision:	<b><u>RESOLVE</u></b>
USPS:	USPS Number:	<b>G16N-4G-C 1944 9064</b>
<b>Rose Barner</b>	Grievant:	<b>Class Action</b>
NALC:	Branch Grievance Number:	<b>421-977-19</b>
<b>Jim Ruetze</b>	Branch:	<b>421</b>
	Installation:	<b>San Antonio</b>
District:	Delivery Unit:	<b>Frank Tejada Station</b>
<b>Rio Grande</b>	State:	<b>Texas</b>
	Incident Date:	<b>08/28/2019</b>
USPS Formal A:	Informal Step A Meeting:	<b>09/10/2019</b>
<b>Stephanie A. Olivarez</b>	Formal Step A Meeting:	<b>09/26/2019</b>
NALC Formal A:	Received at Step B:	<b>10/07/2019</b>
<b>Margaret Garcia</b>	Step B Decision Date:	<b>10/30/2019</b>
	Issue Code:	<b>31.2000</b>
	NALC Subject Code:	<b>505006</b>

**ISSUE:**

Did management violate Articles 15, 17 and/or 31 of the National Agreement when they failed to provide the requested information to include interviews to the union in a timely manner and by failing to provide requested information to the union in a timely manner? If so, what is the appropriate remedy?

**DECISION:**

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file evidenced a violation of Articles 17 and 31. Management failed to provide requested information in a timely manner. In the future, management should respond to germane questions and to requests for documents in a cooperative and timely manner. When a request for information relevant to a possible grievance is made, management should provide for review and/or produce the requested documentation as soon as is reasonably possible, but not later than 72 hours (three working days) from the date of the request. If it is not possible to provide the information in a timely manner the response to the request should explain the delay and inform the union when the information will be made available. Consistent with management's request at Formal Step A, if not already done the station manager will, within two weeks of receipt of this decision, conduct training with the supervisors at Frank Tejada Station on the requirements to provide the union with requested information. See the DRT Explanation below.

**EXPLANATION:**

This dispute concerns management's failure to provide the union information within 72 hours of the request.

The union filed this grievance to protest management's failure to provide information within 72 hours. 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 failed to provide relevant information within 72 hours of the request to include interviews. The union also contends management failed to give the steward sufficient time to write contentions on the day of the meeting. The union requests management will provide the information to the union within 72 hours to include interviews. The union also requests that management pay a lump sum amount of \$50.00 to the grievant Gilbert Ramirez and the chief steward Margaret Garza.

**Management** contends an offer to train all supervisors at Tejada Station on requests for information and document the training on PS Form 2548 signed by Olivarez and the supervisors was made during the Formal A meeting. Management further contends paying a monetary settlement seems punitive. At no time were any of these requests for information failures brought to the attention of the manager. Management also contends the resolution the union was seeking is a payment of \$100 for each grievance listed, but is reducing it to \$50 for each grievance. In addition, management contends it offered to give the steward time later in the week to write her contentions, but after consulting with NALC Branch 421 leadership, the steward declined and said she was going to appeal to Step B.

**The DRT** reviewed the case file and determined it was undisputed that requested information was not provided in a timely manner, which violated Articles 17 and 31 of the National Agreement. Management should respond to germane 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, but not later than 72 hours (three working days) from the date of the request. If it is not possible to provide the information in a timely manner the response to the request should explain the delay and inform the union when the information will be made available.

Management's obligations with respect to fulfilling the union's requests for information are found in the JCAM:

Page 15-1:

*The parties' representatives shall cooperate fully in the effort to develop all necessary facts, including the exchange of copies of all relevant papers or documents in accordance with Articles 17 and 31.*

*Both parties must work together to ensure that each grievance is fully developed.*

Page 17-6:

**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.*

*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.*

Page 31-2:

**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.

Consistent with the JCAM language cited above, The DRT agreed management must provide requested relevant information promptly which has been defined in the San Antonio installation as within 72 hours (three business days) of receipt of the request. The DRT discussed the remedy request of \$50.00 for the grievant and the steward was not necessary at this time.

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



**Rose Barner**  
USPS Step B Representative



**Jim Ruetze**  
NALC Step B Representative

**Grievance File Contents:**

PS Form 8190  
Table of Contents  
Union Contentions  
Management Contentions  
Request for Information  
Employee Everything Report (12 pgs)  
Employee Moves Report (2 pgs)

Performance/Analysis Report (12 pgs)  
Request for Informal Step A Meeting  
Requests for Steward Time (2 pgs)  
Request for Formal Step A Meeting  
Time Limit Extension

**cc:**

LR Manager, SW 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