



**RESOLVE**



**STEP B DECISION**

|                             |                            |                                |
|-----------------------------|----------------------------|--------------------------------|
| Step B Team:                | Decision:                  | <b>RESOLVE</b>                 |
| USPS:                       | USPS Number:               | <b>G11N-4G-C 1744 7249</b>     |
| <b>Alex Zamora</b>          | Grievant:                  | <b>Class Action</b>            |
| NALC:                       | Branch Grievance Number:   | <b>421-295-17</b>              |
| <b>James D Kimbrell</b>     | Branch:                    | <b>421</b>                     |
|                             | Installation:              | <b>Boerne</b>                  |
| District:                   | Delivery Unit:             | <b>MPO</b>                     |
| <b>Rio Grande</b>           | State:                     | <b>TX</b>                      |
|                             | Incident Date:             | <b>03/22/2017 - Continuing</b> |
|                             | Informal Step A Initiated: | <b>04/05/2017</b>              |
|                             | Formal Step A Meeting:     | <b>No Meeting</b>              |
|                             | Date Received at Step B:   | <b>04/28/2017</b>              |
| Formal Step A Reps:         | Step B Decision Date:      | <b>05/02/2017</b>              |
| USPS: <b>Gloria Ramirez</b> | Issue Code:                | <b>65.1800</b>                 |
| NALC: <b>Richard Gould</b>  | NALC Subject Code:         | <b>505011</b>                  |

**ISSUE:**

Did management violate Articles 15, Section 3.A, and Postal Service Policy Letter (M-01517) via Article 19 of the National Agreement by failing to comply with the grievance resolution/settlement dated 02/16/17 for Grievance 421-112-17 at the Boerne Post Office? 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 the agreed upon settlement language. The below listed carriers will receive lump sum payments as indicated. Payment has been made at Step B; no further action has been taken. See DRT explanation.

| EIN      | Carrier       | Amount   | EIN      | Carrier           | Amount   |
|----------|---------------|----------|----------|-------------------|----------|
| 03081749 | A. Mathews    | \$110.00 | 03606645 | H. Garcia         | \$110.00 |
| 04304834 | J. McGlothlin | \$110.00 | 04531634 | J. Hanakam Obrien | \$110.00 |
| 03566158 | A. Maldonado  | \$110.00 |          |                   |          |

**EXPLANATION:**

On February 16, 2017, the Formal Step A parties entered into a grievance resolution. The settlement dealt with Rural Carriers delivering City Carrier Routes. The settlement indicated that five carriers were to receive a monetary payment due to the violation within 14 days of the settlement. Payment was never made and the union filed a non-compliance grievance.

The union contends management failed to comply with a prior Formal Step A decision. Management did not comply with this decision within the time constraints provided. The union contends that this isn't the first time that this has occurred at the Boerne Post Office. The union contends that management failed to schedule a Formal Step A meeting also.

As remedy the union requested that management immediately comply with the grievance settlement contained in the file. The union also requests that management cease and desist violating Article

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15, § 3.A and Postal Service Policy Letter M-01517 via Article 19. Finally, the union requested that the carriers listed in the original settlement be paid an additional \$10.00 as a means to ensure future compliance with grievance settlements.

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

The DRT determined a violation had taken place when management failed to comply with the settlement referenced in the case file. The original Formal Step A decision stated management had 14 days in which to process the adjustment for the grievant; this was not done. The case file also contained evidence that this was not the first occurrence of noncompliance with grievance settlements in Boerne, TX. Management must comply with grievance settlements/resolutions. The DRT encourages management to seek help in the future to ensure compliance with grievance settlements. Management is cautioned that future non-compliance with grievance settlements may result in additional compensatory remedy.

The Arbitration Award Compliance memo which was signed 05/31/2002 by then Vice President Area Operations Patrick Donahoe M-01517, clearly states in part:

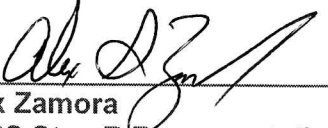
**"...settlements reached in any stage of the grievance/arbitration procedure are final and binding, I want to reiterate our policy on this subject...Compliance with arbitration awards and grievance settlements is not optional."**


Article 15.3.A of the JCAM states:

*15.3.A The parties expect that good faith observance, by their respective representatives, of the principles and procedures set forth above will result in resolution of substantially all grievances initiated hereunder at the lowest possible step and recognize their obligation to achieve that end. At each step of the process the parties are required to jointly review the Joint Contract Administration Manual (JCAM).*

*The contract specifically requires that at each step of the grievance/arbitration process the parties review the Joint Contract Administration Manual (JCAM). In the Article 15 Dispute Resolution Process Memorandum, the parties have committed to updating the JCAM at least once each calendar year during the life of the National Agreement.*

Based on the facts presented in the case file, the DRT mutually agreed to the remedy shown on page one of this decision.

  
\_\_\_\_\_  
**Alex Zamora**  
**USPS Step B Representative**

  
\_\_\_\_\_  
**James D Kimbrell**  
**NALC Step B Representative**

**Grievance File Contents:**

PS Form 8190  
Union Contentions (3 pgs)  
Prior Settlement  
Prior Step B Settlement (3 pgs)

USPS Tracking Information  
USPS Postmaster Finder Information  
Formal A Meeting Request  
Union Information Request

**cc: District Manager, Rio Grande District**

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NALC NBA, Region 10  
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

## Payout Request History for Grievance 17447249

[HELP](#)

no data

|  |  |
|--|--|
| <p><b><u>Not Processed By Payroll</u></b></p> <p><input checked="" type="checkbox"/> New (Not yet sent to Payroll)</p> <p><input checked="" type="checkbox"/> Pending (Not back from Payroll)</p> <p><input checked="" type="checkbox"/> Submitted (Received acknowledgment from Payroll, awaiting processing)</p> | <p><b><u>Payroll Processed</u></b></p> <p><input checked="" type="checkbox"/> Paid (Back from Payroll without error)</p> <p><input checked="" type="checkbox"/> Payroll Error (Back from Payroll with error)</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       | \$110.00       | MATHEWS           | ARTHUR     | 3515 | PP7<br>FY2017 | KBY9N0       | 05/03/2017     |
| New                     |           | 2       | \$110.00       | GARCIA            | HUMBERTO   | 9662 | PP7<br>FY2017 | KBY9N0       | 05/03/2017     |
| New                     |           | 2       | \$110.00       | MALDONADO         | ALFREDO    | 1777 | PP7<br>FY2017 | KBY9N0       | 05/03/2017     |
| New                     |           | 2       | \$110.00       | MCGLOTHIN         | JACOB      | 1696 | PP7<br>FY2017 | KBY9N0       | 05/03/2017     |
| New                     |           | 2       | \$110.00       | HANAKAM<br>OBRIEN | JOANNE     | 1982 | PP7<br>FY2017 | KBY9N0       | 05/03/2017     |
| Total New: \$550.00     |           |         |                |                   |            |      |               |              |                |
| 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 |                  |         |                |             |         |           |            |     |             |              |                |