



RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G11N-4G-C 1744 8129
Alex Zamora	Grievant:	Class Action
NALC:	Branch Grievance Number:	421-294-17
James D Kimbrell	Branch:	421
	Installation:	Boerne
District:	Delivery Unit:	MPO
Rio Grande	State:	TX
	Incident Date:	03/22/2017 - Continuing
	Informal Step A Initiated:	04/05/2017
	Formal Step A Meeting:	No Meeting
	Date Received at Step B:	04/28/2017
Formal Step A Reps:	Step B Decision Date:	05/02/2017
USPS: Gloria Ramirez	Issue Code:	65.1800
NALC: Richard Gould	NALC Subject Code:	505011

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 421-111-17 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	\$70.00	03606645	H. Garcia	\$110.00
04304834	J. McGlothlin	\$80.00	04531634	J. Hanakam Obrien	\$110.00
03566158	A. Maldonado	\$110.00	04194353	Y. New	\$70.00

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:

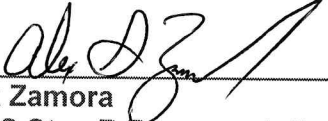
"...settlements reached in any stage of the grievance/arbitration procedure are final and binding, I want to reiterate our policy on this subject...Compliance with arbitration awards and grievance settlements is not optional."

Article 15.3.A of the JCAM states:

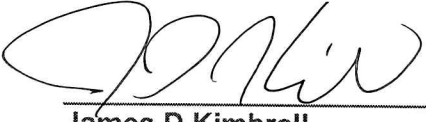
15.3.A The parties expect that good faith observance, by their respective representatives, of the principles and procedures set forth above will result in resolution of substantially all grievances initiated hereunder at the lowest possible step and recognize their obligation to achieve that end. At 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

17448129

[HELP](#)

no data

<p><u>Not Processed By Payroll</u></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><u>Payroll Processed</u></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>
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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	\$70.00	MATHEWS	ARTHUR	3515	PP7 FY2017	KBY9N0	05/03/2017
New		2	\$70.00	NEW	YVONNE	4843	PP7 FY2017	KBY9N0	05/03/2017
New		2	\$80.00	MCGLOTHIN	JACOB	1696	PP7 FY2017	KBY9N0	05/03/2017
New		2	\$110.00	GARCIA	HUMBERTO	9662	PP7 FY2017	KBY9N0	05/03/2017
New		2	\$110.00	MALDONADO	ALFREDO	1777	PP7 FY2017	KBY9N0	05/03/2017
New		2	\$110.00	HANAKAM OBRIEN	JOANNE	1982	PP7 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											