

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

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Kimetra Y. Lewis
NALC Representative



RESOLVED



STEP B DECISION

Step B Team: Kimetra Lewis
James Chandler

Grieving District:
Rio Grande

District: Dallas

Formal Step A Parties
NALC: Edward Quinonez
USPS: Gerald Laneaux

Decision: RESOLVED
USPS Number: G11N-4G-C 14285938
Grievant: Class Action
Branch Grievance Number: 421-473-14
Branch Number: 421
Installation: San Marcos
Delivery Unit: 78666
State: Texas
Incident Date: 06/06/2014
Date Informal Step A Initiated: 06/13/2014
Formal Step A Meeting Date: 08/26/2014
Date Received at Step B: 09/04/2014
Step B Decision Date: 09/15/2014
USPS Issue Code: 31.2000
NALC Issue Code: 505006
Original Step B Received Date:
Date Sent to Assisting Team:

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ISSUE: Did Management violate Articles 17 and 31 of the National Agreement when Management failed to provide to the Union requested documentation? If so, what is the appropriate remedy?

DECISION: The Dispute Resolution Team (DRT) agreed to **RESOLVE** this grievance. Upon receipt of this grievance, Management must provide the Union with the requested documentation within a reasonable period of time in accordance with Articles 17 and 31 of the National Agreement. Upon receiving and reviewing the documents the Union has 14 days in which to file a grievance at the Informal Step A level if the Union believes a potential grievance has occurred. There can be no arguments surrounding the timeliness of the filing of the grievance if the directions of this Step B decision are followed.

EXPLANATION: On June 6, 2014, the Union submitted a documentation request to Management regarding a possible violation of Section 2 of the Handbook M-39 involving the minor route adjustments made at the San Marcos Station. The documentation request was signed by NALC representative Daniel Espinosa and USPS representative J. Fulkerson on June 6, 2014. On the documentation request

form it was notated, ***"Per Postmaster @ San Marcos: No documentation at office. All documentation at district w/Al Binger."***

The Union contends the documents requested were never provided to the Union. The Union contends Management's failure to provide requested documentation is in violation of Articles 17 and 31 of the National Agreement. For this violation, the Union request that Management is instructed to abide by the rules and regulations set forth in the JCAM and seeks to have the reversion of all city routes in San Marcos to their status prior to the route adjustment of 2014. The Union is also requesting that city carrier's comments and knowledge of the territory should not be underestimated and therefore be taken into account when adjustments are initiated.

Management provided no explanation for their failure to comply with the documentation request.

Article 17.3 of the National Agreement states in part the following:

17.3 Section 3. Rights of Stewards


The steward, chief steward or other Union representative properly certified in accordance with Section 2 above may request and shall obtain access through the appropriate supervisor to review the documents, files and other records necessary for processing a grievance or determining if a grievance exists and shall have the right to interview the aggrieved employee(s), supervisors and witnesses during working hours. **Such requests shall not be unreasonably denied.**

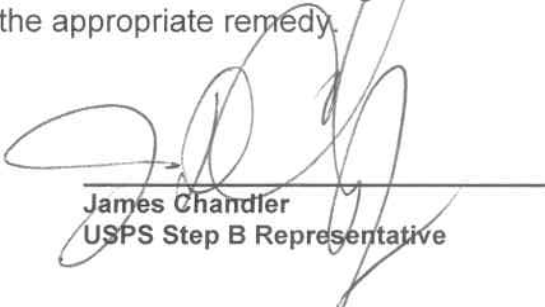
Article 31.3 of the National Agreement states in part the following:

Section 3. Information

The Employer will make available for inspection by the Union all relevant information necessary for collective bargaining or the enforcement, administration or interpretation of this Agreement, including information necessary to determine whether to file or to continue the processing of a grievance under this Agreement. Upon the request of the Union, the Employer will furnish such information, provided, however, that the Employer may require the Union to reimburse the USPS for any costs reasonably incurred in obtaining the information.

Although Management's failure to adhere to the provisions cited above prevented the Union from the proper handling and processing of this grievance, the requested remedy sought by the Union is not the appropriate remedy to satisfy the dispute. The DRT considered all of the evidence within the record of this grievance file and agreed upon the decision cited above as the appropriate remedy.


Kimetra Y. Lewis
NALC Step B Representative


James Chandler
USPS Step B Representative

cc: Rio Grande District DRT

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