



RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G11N-4G-C 1740 0562
Mike Goden	Grievant:	Class
NALC:	Branch Grievance Number:	421-254-17
Jim J Ruetze	Branch:	421
	Installation:	San Marcos
District:	Delivery Unit:	MPO
Rio Grande	State:	TX
	Incident Date:	03/11/2017
USPS Formal A:	Informal Step A Meeting:	03/16/2017
Michelle Soliz	Formal Step A Meeting:	03/17/2017
NALC Formal A:	Received at Step B:	03/20/2017
Edward Quinonez	Step B Decision Date:	04/10/2017
	Issue Code:	31.2000
	NALC Subject Code:	505006

ISSUE:

Did management violate Articles 15, 17 and/or 31 of the National Agreement by failing to provide requested information within 72 hours? If so, what is the remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file evidenced a violation of the National Agreement. Management will abide by the provisions of Articles 15, 17 and 31 as they relate to union information requests. Information requested by the union will be provided as soon as possible, but no later than three working days after the request, unless it is not available within that time frame. In such cases, management will provide an explanation within three working days of the nature of the delay and when the information is expected to be available. See the DRT Explanation below.

EXPLANATION:

On 03/11/2017, San Marcos Steward Edward Quinonez submitted a Request for Information to management related to an overtime bypass grievance. Management did not provide the requested information within three days, so the union filed this grievance. As of the date the steward sent this grievance to Step B, the requested information had not been provided.

The union contends multiple grievance settlements have established management's obligation to provide requested information within 72 hours, yet management continues to ignore its responsibilities. The union further contends that because of the clear prior settlements, this violation rises to the level of being "egregious," and such egregious violations warrants an appropriate penalty.

The union requests that management cease & desist failing to comply with grievance settlements, and that management cease and desist future violations of its obligations to provide requested information within 72 hours. In addition, the union requests that management provide breakfast tacos from Lolita's Tacos in San Marcos for the Saturday morning break beginning with the first Saturday after receipt of this decision and continuing

RIO GRANDE DISPUTE RESOLUTION TEAM
10410 Perrin Beitel Road, Rm 1059
San Antonio, TX 78284-9608
PHONE 210-368-1760, 210-368-1784, FAX 210-368-8525

on every Saturday thereafter until management has fully complied with the grievance resolution at issue in this case.

Management met at Formal Step A, but no management contentions were included in the case file.

The DRT reviewed the case file and determined the parties' settlement of grievance #421-198-16 constituted an enforceable agreement:


Management will cease & desist violations of Steward's Rights, Article 17.3 & 31.3. Requested information will be provided unless it is not immediately available, in which case it will be provided within 72 hours. A delay in providing information shall constitute a request by management to extend the timeline for filing or appealing the grievance.

The DRT had no reason to doubt the good faith intentions of the parties when they negotiated that agreement. With that understanding, the DRT expects the parties to exercise good faith when information is requested in the future.

Based on its review of the case file, the DRT mutually agreed to the decision on page one.



Mike Goden
USPS Step B Representative



James J Ruetze
NALC Step B Representative

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, San Marcos, Texas
DRT File

Grievance File Contents

PS Form 8190
Union Contentions
Original Request for Information
Request for Formal Step A Meeting
Prior Settlement re: Info Requests
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