



RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G16N-4G-C 2101 9640
Rose Barner	Grievant:	James Cain
NALC:	Branch Grievance Number:	421-1361-20
Jim Ruetze	Branch:	421
	Installation:	San Marcos
District:	Delivery Unit:	Main Post Office
Rio Grande	State:	Texas
	Incident Date:	10/06/2020
	Informal Step A Meeting:	10/16/2020
	Formal Step A Meeting:	10/30/2020
	Received at Step B:	11/16/2020
	Step B Decision Date:	11/24/2020
	Issue Code:	19.2000
	NALC Subject Code:	600207

ISSUE:

Did management violate Article 19 of the National Agreement (via the Administrative Support Manual (ASM)) by requiring the grievant to complete a locally developed form? If so, what is the remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The file did evidence a violation of the ASM, Section 324, Development, Coordination, and Clearance through Article 19 of the National Agreement when management required the grievant to submit the locally developed form. Consistent with National Arbitrator Aaron's award on this issue (H1N-NAC-C-3, February 27, 1984, C-04162), locally developed forms must be approved consistent with the ASM. Since the form has not been approved in accordance with that manual, the form must be discontinued, withdrawn from the grievant's files and no longer used to make decisions about the grievant. See the DRT Explanation below.

EXPLANATION:

This grievant in this case is James Cain, a full time city carrier assigned to the Main Post Office in San Marcos, Texas. The grievant suffered a medical emergency on the workroom floor on December 10, 2019. Prior to returning to work the grievant was required to have his medical provider to complete the Rio Grande District – Return to Work Medical Clearance Certification form.

The union filed this grievance to protest management's requirement for the grievant to complete the locally developed form. Unable to achieve a resolution through the Informal and Formal A steps of the grievance procedure, the union appealed to Step B.

The union at Formal Step A contends management violated the Administrative Service Manual (ASM) via Article 19 of the National Agreement by requiring the grievant to fill out a locally developed form to return to work. The union contends the locally developed form that is the subject of this grievance is not listed in Postal Service Publication 223 nor does it have a form number; therefore, it is not a form authorized for use by Article 19 of the National Agreement. The union contends according to the ASM Section 324.2, the locally developed forms were not promulgated according to the ASM. Therefore, management should immediately discontinue their use.

The union requests management withdraw and immediately discontinue the use of the locally developed forms and any stored copies of the Rio Grande District – Return to Work Medical Clearance Certification be removed and disposed of.

Management did meet at Formal Step A. However, no contentions were provided.

The DRT reviewed the documents in the case file and agreed management was in violation of Article 19 of the National Agreement through the Administrative Support Manual (ASM). The locally developed form in the file has no indication it was an authorized form that had the required clearance through the appropriate area Human Resources manager in accordance with ASM 324.2 and Article 19, *Local Policies*.

The Administrative Support Manual (ASM) includes the following relevant language:

324.2 Coordination and Clearance

The originating office obtains the necessary clearances from other affected organizational units before a new or revised form is approved. Required clearances include:

Type of Form	Required Clearance
<i>Forms that affect wages, hours, and other terms and conditions of employment, or that concern any work and/or time standards or studies relating to any bargaining unit employees.</i>	<i>PS: Through the vice president of Labor Relations using the clearance option 3 memo (see MI AS-310-96-3, Management of Policy and Procedure Information — Paper and On-Line). Local: Through the appropriate area Human Resources manager.</i>
<i>PS and local forms that: a. Collect personally identifiable information about a customer, employee, or other individual (such as name or Social Security number) directly from those individuals. b. Are completed by a customer, employee, or other individuals.</i>	<i>Through the manager, Records Office, using the clearance option 3 memo (see MI AS-310-96-3) for Privacy Act considerations (for details see Handbook AS-353, Guide to Privacy, the Freedom of Information Act, and Records Management).</i>
<i>PS forms that are stocked in the material distribution centers.</i>	<i>Through Inventory Management, Purchasing and Materials, Head-quarters, on Form 189, Stocking Plan for Directives and Forms.</i>

Page 19-2 of the JCAM provides, in relevant part:

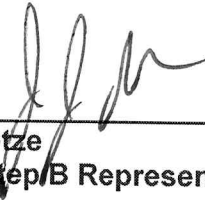
Local Policies. Locally developed policies may not vary from nationally established handbook and manual provisions (National Arbitrator Aaron, H1N-NAC-C-3, February 27, 1984, C-04162). Additionally, locally developed forms must be approved consistent with the Administrative Support Manual (ASM) and may not conflict with nationally developed forms found in handbooks and manuals.

National Arbitrator Garrett held in MB-NAT-562, January 19, 1977 (C-00427), that "the development of a new form locally to deal with stewards' absences from assigned duties on union business—as a substitute for a national form embodied in an existing manual (and thus in conflict with that manual)—thus falls within the second paragraph of Article 19. Since the procedure there set forth has not been invoked by the Postal Service, it would follow that the form must be withdrawn.

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



Rose Barner
USPS Step B Representative



Jim Ruetze
NALC Step/B Representative

cc:

LR Manager, Southern Area
NALC Region 10 NBA
Rio Grande District HR Manager
Rio Grande District LR Manager
USPS Formal A Lee Walsh

NALC Branch President
NALC Formal A Adam Reyna
Manager, Rio Grande District
Postmaster
DRT File

Grievance File Contents

PS Form 8190
Union's Note to DRT
Email To L Walsh
Union's Contentions (6 pgs)
Return to Work Medical Clearance (2 pgs)
Grievant Statement
ASM Excerpt

Request for Information
Informal Step A Meeting
Informal Step A Resolution Form
Time Limit Extension
Steward Designation Letter
Step 4/Prior Arbitrations (3 pgs)
Previous DRT Decision (4 pgs)