

RESOLVE



STEP B DECISION

USPS Step B:	Decision:	RESOLVE
Rose Barner	USPS Number:	G16N-4G-C 2032 7281
NALC Step B:	Grievant:	Abraham Heikal
Jim Ruetze	Branch Grievance Number:	421-796-20
	Branch:	421
	Installation:	Schertz
District:	Delivery Unit:	MPO
Rio Grande	State:	TX
	Incident Date:	06/25/2020
	Informal Step A Initiated:	07/11/2020
	Formal Step A Meeting:	07/17/2020
	Received at Step B:	07/27/2020
	Step B Decision Date:	08/24/2020
	Issue Code:	17.3380
	NALC Subject Code:	600231

ISSUE:

Did management violate Articles 17 and/or 31 of the National Agreement by failing to make the steward available to the grievant in a reasonable amount of time? If so, what is the remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. Management cannot “unreasonably deny” requests for paid grievance-handling time. If management delays a steward from investigating a grievance, it should inform the steward of the reasons for the delay and when time will be available. It is the responsibility of the union and management to decide mutually when the steward will be allowed, subject to business conditions, an opportunity to investigate and adjust grievances. An employee must be given reasonable time to consult with his or her steward, and such reasonable time may not be measured by a predetermined factor. See the DRT Explanation below.

EXPLANATION:

The grievant in this case is Abraham Heikal, a full-time regular letter carrier assigned to the Schertz, Texas Main Post Office. On June 25, 2020 the grievant, who is also the alternate steward, submitted a request for “steward time.” On Either June 30 or July 1, the grievant met with Chief Steward Dennis Alltop. The union filed this grievance to protest the delay in granting time. Unable to achieve a resolution through the Informal or Formal Step A steps of the grievance process the union appealed to Step B.

The union at Formal Step A contended on June 25, when he made the request, carriers were waiting for parcels. Accordingly, there was no legitimate business reason to delay consulting with the steward.

Management at Formal Step A contended the PS Form 8190 was incomplete; it was missing a grievance number and a GATS number, which was supposed to have been obtained prior to the Formal Step A meeting. Additionally, management maintained there was no evidence of a written request to see the steward. Although there was no written request, the grievant was allowed to see his steward; however, this will not set a precedent or be considered germane to other claims.

The DRT reviewed the case file and determined there is no requirement in the National Agreement for a request to consult with the steward to be in writing; however, it is advisable. Thus, a verbal request triggers the requirement to provide a steward in a reasonable amount of time. If a reason existed to delay providing the steward at the time requested, management should have communicated it to the grievant and/or steward, along with informing them when time would be available. With respect to the manager's contention that the GATS number was not provided before the Formal Step A meeting, the DRT notes that the manager is required to obtain the GATS number prior to the Formal A meeting. The absence of a local grievance number on the PS Form 8190 should have been completed by the shop steward, which would then enable the management representative to obtain the GATS number.

Article 17 in the JCAM, beginning on page 17-5, provides the following language, in relevant part:

Right to Steward Time on the Clock. Although a steward must ask for supervisory permission to leave his or her work area or enter another one to pursue a grievance or potential grievance, management cannot "unreasonably deny" requests for paid grievance-handling time.

Management may not determine in advance how much time a steward reasonably needs to investigate a grievance (National Arbitrator Garrett, MB-NAT-562/MB-NAT-936, January 19, 1977, C-00427). Rather, the determination of how much time is considered reasonable is dependent on the issue involved and the amount of information needed for investigation purposes (Step 4, NC-S-2655, October 20, 1976, M-00671).

Steward time to discuss a grievance may not be denied solely because a steward is in overtime status (Prearbitration Settlement, W4N-5C-C 41287, September 13, 1988, M-00857). It is the responsibility of the union and management to decide mutually when the steward will be allowed, subject to business conditions, an opportunity to investigate and adjust grievances (Step 4, N-S-2777, April 5, 1973, M-00332).

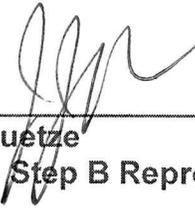
If management delays a steward from investigating a grievance, it should inform the steward of the reasons for the delay and when time will be available. Likewise, the steward has an obligation to request additional time and give the reasons why it is needed (Step 4, NC-C-16045, November 22, 1978, M-00127).

An employee must be given reasonable time to consult with his or her steward, and such reasonable time may not be measured by a predetermined factor (Step 4, H1C-3W-C 44345, May 9, 1985, M-00303).

Based on its review of the case file, the DRT agreed to the decision above.



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 Arthur Sanchez

NALC Branch President
NALC Formal A Abraham Heikal
Manager, Rio Grande District
Postmaster
DRT File

Grievance File Contents

PS Form 8190
Request for Formal Step A Meeting
Request for Informal Step A Meeting
Request for Information
Time Limit Extension

Union Contentions
Request to See Steward
Steward Statement
Management Contentions