



RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G19N-4G-C 2125 2623
Rose Barner	Grievant:	Class Action
NALC:	Branch Grievance Number:	421-1803-21
Jim Ruetze	Branch:	421
	Installation:	San Antonio
District:	Delivery Unit:	NECA
Rio Grande	State:	Texas
	Incident Date:	05/04/2021
	Informal Step A Meeting:	05/12/2021
	Formal Step A Meeting:	06/04/2021
	Received at Step B:	06/08/2021
	Step B Decision Date:	06/30/2021
	Issue Code:	19.2000
	NALC Subject Code:	600207

ISSUE:

Did management violate Article 3, 15 and 19 of the National Agreement (via the Administrative Support Manual (ASM)) by requiring employees to sign a locally developed form? If so, what is the remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. There was insufficient evidence to determine there was a violation. However, 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*. If the form has not been approved in accordance with that manual and is in use, the form must be discontinued and withdrawn. See the DRT Explanation below.

EXPLANATION:

This class action grievance concerns a "Welcome Back Completion Form" that documents certification by management that a welcome back packet was conducted with an employee and the PS Form 3972 was reviewed. The form also requires the signature of the supervisor and the employee.

The union filed this grievance to protest management's use of the locally developed form and the requirement of an employee's signature. 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 Article 3, 15 and 19 when they required employees to sign or fill out locally developed forms. Carriers are being required to fill out and sign these locally developed forms recently created by the NECA

supervisors and managers. The union contends when a carrier calls in sick or ask for sick leave, they were made to sign the "Welcome Back" packet. These locally developed forms are in violation of the contract and the prior Step B decision where they resolved that management violated Article 19 using an unapproved locally developed form.

The union requests management cease usage of locally developed forms and stop collecting personally identifiable information.

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

The DRT reviewed the file and determined there was insufficient evidence to support a violation of the contract. However, 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-

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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 Monee Davis

NALC Branch President
NALC Formal A Jose Perez
Manager, Rio Grande District
Postmaster
DRT File

Grievance File Contents

PS Form 8190 – 2 pgs
Union Contentions – 3 pgs
Welcome Back Packet – 5 pgs
Deems Desirable List
Prior Step B Decision – 11 pgs

Formal Step A Meeting Request
Time Limit Extension – 2 pgs
Informal Step A Meeting Request
Request for Information