



RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G19N-4G-C 2125 2658
Rose Barner	Grievant:	Sina Olfatmanesh
NALC:	Branch Grievance Number:	421-1837-217
Jim Ruetze	Branch:	421
	Installation:	San Antonio
	Delivery Unit:	NECA
	State:	TX
	Incident Date:	05/11/2021
	Informal Step A Meeting:	No Meeting
	Formal Step A Meeting:	No Meeting
	Received at Step B:	06/08/2021
	Step B Decision Date:	06/24/2021
	Issue Code:	10.2700
	NALC Subject Code:	100701

ISSUE:

Did management violate Articles 10 and/or 19 of the National Agreement by not paying the grievant the approved leave he requested on May 10, 2021? If so, what is the remedy?

DECISION:

The Dispute Resolution Team (DRT) agreed to **RESOLVE** this grievance. Promptly upon receipt of this decision, management will process a pay adjustment to pay the grievant for the approved annual leave he requested on May 4, 2021. Documentation showing the pay adjustment will be furnished to the union's Formal Step A representative (or designee) when it is processed. See the DRT Explanation below.

EXPLANATION:

The grievant in this case is Sina Olfatmanesh, a full-time city carrier assigned to NECA Station in San Antonio, Texas. The grievant requested 8 hours of annual leave on May 4, 2021 of which management approved to be used on May 10, 2021. The grievant reported for duty that morning before his appointment; therefore, remainder of that day should have been charged to approved annual leave instead of Leave Without Pay (LWOP).

The union filed this grievance to protest management's failure to pay the grievant the approved annual leave he requested. Unable to resolve the dispute through the Informal and Formal A steps of the grievance procedure, the union appealed to Step B.

The union contends the grievant requested and was granted annual leave on May 10, 2021 on PS Form 3971, *Request and or Notification of Absence*. The grievant through his dedication offered to come in and case his route in the morning before his appointment. He then proceeded to take the rest of the day off which was granted by his approved annual leave. Upon his return to work management disapproved his leave and placed him in a LWOP status.

The union requests the grievant be paid and made whole.

Management did not meet at the Formal Step A of the grievance process. There were no contentions in the file.

The DRT reviewed the case file and determined the grievant had an approved annual leave request as recorded on PS Form 3971. Therefore, without any rebuttal from management, the grievant will be paid annual leave for the remainder of the work day for the date in question.

The following sections of the Employee and Labor Relations Manual applied to the circumstances of this dispute:

512.4 Authorizing Annual Leave

512.41 Requests for Annual Leave

512.411 General

Except for emergencies, annual leave for all employees except postmasters must be requested on PS Form 3971 and approved in advance by the appropriate supervisor. Leave requests from rural carriers must be approved in accordance with Article 10 of the USPS-NRLCA National Agreement.

512.42 PS Form 3971 Request for or Notification of Absence

512.421 Purpose

Request for annual leave is made in writing, in duplicate, on PS Form 3971

512.422 Approval or Disapproval

The supervisor is responsible for approving or disapproving the request for annual leave by signing PS Form 3971, a copy of which is given to the employee. If a supervisor does not approve a request for leave, the Disapproved block on PS Form 3971 is checked and the reasons given in writing in the space provided. When a request is disapproved, the granting of any alternate type of leave, if any, must be noted along with the reasons for disapproval. AWOL determinations must be similarly noted.

Joint Contract Administration Manual (JCAM), page 10-11, states in relevant part:


All advance commitments for granting annual leave must be honored

except in serious emergency situations.

Therefore, based on its review of the case file, the DRT agreed to the decision and remedy on page one of this report.



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 Step A Monee Davis

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

Grievance File Contents:

PS Form 8190 – 4 pgs
Union Contentions – 2 pgs
Grievant Statement
PS Form 3972 – 2 pgs
PS Form 3971
Livas Statement

Daily Performance Analysis – 16 pgs
Formal Step A Meeting Request
Request for Information – 3 pgs
Time Limit Extension
Investigative Interview