



RESOLVE



STEP B DECISION

USPS Step B:	Decision:	<u>RESOLVE</u>
Richard Ketchum	USPS Number:	4G19N-4G-C 2212 6887
NALC Step B:	Grievant:	Class
Jim Ruetze	Branch Grievance Number:	421-0093-22
	Branch:	421
	Installation:	San Antonio
Dispute Resolution Team:	Delivery Unit:	NECA
Rio Grande	State:	TX
District Grieving:	Incident Date:	01/15/2022
Texas 3	Informal Step A Initiated:	01/29/2022
	Formal Step A Meeting:	02/08/2022
	Received at Step B:	02/16/2022
	Step B Decision Date:	03/09/2022
	Issue Code:	08.5990
	NALC Subject Code:	100023

ISSUE:

Did management violate Articles 30 and 10 of the National Agreement and the Local Memorandum of Understanding (LMOU) when they did not complete the Choice Vacation Polling by January 15, 2022? If so, what is the remedy?

Did management violate Articles 30 and 10 of the National Agreement and the LMOU when they started the Choice Vacation Polling on November 15, 2021? If so, what is the remedy?

Did management violate Articles 30 and 10 of the National Agreement and the LMOU when they did not sign and approve the PS Form 3971 for first and second choice vacation immediately? If so, what is the remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file evidenced that management did not start the choice vacation polling on November 1, 2021, and did not finish it by January 15, 2022. Additionally, management failed to process PS Forms 3971 for choice vacation selections properly. However, there was no evidence these violations had any effect on letter carrier annual leave requests. Management is reminded that the choice vacation polling must be completed in accordance with the LMOU, and the PS Form 3971 for choice vacation must be filled out correctly and signed as approved or disapproved immediately.

EXPLANATION:

Management did not start the or finish choice vacation polling on time at the NECA Station, in San Antonio, Texas. Management also failed to correctly complete the PS Form 3971.

The union filed this grievance to protest management not starting the choice vacation poll on time, not completing the choice vacation poll on time and not correctly completing the PS Form 3971.

The union contended at the Formal Step A meeting that management failed to meet with the union prior to November 1, 2021 and failed to complete the vacant poll by January 15, 2022 and this is supported by the relevant carriers' PS Form 3971.

The union contended that management willfully and deliberately failed to comply with Articles 30 and 10 of the National Agreement. Article 10 of the JCAM and LMOU are specific about the procedures to follow in vacation polling. Management also failed to complete the PS Form 3971 in its entirety.

The union requested management cease and desist not competing the choice vacation polling on time. Cease and desist not approving the choice vacation PS Form 3971 immediately after the carrier fills them out. Any carrier that wasn't given an opportunity to choose both 1st and 2nd choice vacation periods prior to January 15, 2022, will have the opportunity to choose any week for weeks for the calendar year 2022, even if the week or weeks has been exhausted.

Management contends that there was no violation as the polling was completed by the deadline of January 15, 2022.

The requested remedy by the union is unwarranted and excessive. Management understands and agrees that they must remain within the guidelines.

The DRT reviewed the case file and agreed that management did not start the choice vacation polling on November 1, 2021 and did not complete the polling by the end of business on January 15, 2022. Management also failed to properly complete the PS Form 3971 for the choice vacation leaves. The appropriate section of the LMOU is below.

Article 10 Leave A. Scheduled Annual Leave

Section 1

Posting of the choice vacation periods shall be by office wide seniority within each station, branch, or merged post office(s), and will start on November 1st and be completed prior to the end of business on January 15 of each year.

Section 2

RIO GRANDE DISPUTE RESOLUTION TEAM
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All leave forms must be completed by the employee and submitted to the supervisor. (1991) The PF Form 3971 for choice vacation period must be filled out duplicate and have the supervisor's signature. One copy will be given to the letter carrier. No incomplete leave form shall be turned in, signed by the employee to be completed later by the supervisor. (1996)

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



Richard Ketchum
USPS Step B Representative



Jim Ruetze
NALC Step B Representative

cc:

LR Manager, Southern Area
NALC Region 10 NBA
District HR Manager
District LR Manager
USPS Formal A Monèe Davis

NALC Branch President
NALC Formal A Joseph Mendez
District Manager
Postmaster
DRT File

Grievance File Contents

PS Form 8190 - 2 pgs
Union Contentions - 4 pgs
Management Contentions
LMOU Provisions - 2 pgs
PS Forms 3971 - 79 pgs
Vacation Schedule - 6 pgs

Request for Formal Step A Meeting
Request for Information/Time/Meeting
Requests for Steward Time 2p
PS Form 8190 - 2 pgs
Request for Formal Step A Meeting
M-01973