

UNION REPRESENTATION

- 1. When the Union designates stewards and alternate stewards, is it required to specify the order in which they will be utilized?**

RESPONSE:

Yes. In keeping with Subsection A, the Union must provide a list of stewards designated for specific work areas. The alternate steward will be utilized in the absence of the designated steward.

SOURCE: *Pre-arbitration settlement in Case H8C-3W-C 22184, dated January 5, 1982.*

- 2. How are situations handled in which a grievant requests representation and neither the steward assigned to the work area nor the alternate are available?**

RESPONSE:

As employees are not permitted to "shop" for stewards, it is anticipated that the Employer would grant the grievant an extension for filing the grievance in circumstances where neither the steward nor the alternate was available.

SOURCE: *Pre-arbitration settlement in Case H8C-3W-C 22184, dated January 5, 1982.*

- 3. Can a Union member employed at one post office be designated as a representative at another post office?**

RESPONSE:

Yes. In keeping with Article 17, Sections 2C and 2D, a Union member actively employed in a particular office can be designated to process a grievance at another post office, so long as written certification is provided by the Union to the Employer at the Area level. Such representatives are not entitled to compensation by the Employer and must act, while in this capacity, in lieu of stewards otherwise designated under Sections 17.2A and 17.2B at the facility where the grievance arose.

SOURCE: *Pre-arbitration settlement in Case H8N-2B-C 12054, dated May 20, 1982.*

- 4. Can a union officer be certified pursuant to the provisions of Section 2.B. to handle, as an example, all Article 7 grievances at stations, city wide?**

RESPONSE:

Yes. However, the union officer must be certified to handle a specific grievance or to investigate a specific problem. The certification must be in writing and the officer acts in lieu of a steward designated under the formula in Section 2.A. A new certification would be needed for each occurrence.

SOURCE: *Article 17, Section 2.B. and Step 4 decision H8C-4E-C 16071, dated July 10, 1980.*

- 5. Is a union officer who was certified in accordance with the provisions of Article 17, Section 2.B. entitled to be compensated pursuant to the provisions of Section 4, "Payment of Stewards?"**

RESPONSE:

Yes, provided he/she is acting in lieu of the certified steward.

SOURCE: *Article 17, Section 2.B.*

- 6. Are union representatives who are certified outside their installation pursuant to Article 17, Sections 2.C. or 2.D. entitled to compensation in accordance with Section 4., "Payment of Stewards?"**

RESPONSE:

No, unless agreed otherwise locally. Employees certified in accordance with Sections 2.C. and 2. D. are not to be on the employer's official time and are compensated by the union.

SOURCE: *Article 17, Sections 2.C., 2.D. and Pre- Arb settlement of case H8N-2B-C 12054.*

- 7. How should the situations be handled when an employee asks to see a steward or a steward requests time to process or continue processing a grievance and the steward is needed on his/her work assignment?**

RESPONSE:

Normally, 95% of the time, a union steward/employee will be released within two (2) hours of his/her request. If this condition cannot be met, the supervisor will notify the steward/employee of the reasons for the delay. Normally the steward/employee will be released before the end of the tour. However, if the steward/employee is not released within that time frame, the steward/employee must be released immediately upon the beginning of his/her next tour of duty. In the event a steward or employee is delayed until their next tour, the steward/employee should notify the supervisor of the prior request.

SOURCES: *Area level agreement of the parties.*

8. Is there a remedy when the union proves a steward was improperly denied release in accordance with the above stated criteria?

RESPONSE:

Yes. Appropriate remedies will vary depending upon the circumstances. However, settlements have been reached where the steward has been compensated for a reasonable amount of time used off-the-clock performing grievance work. This compensation was granted for the first occurrence and was accompanied by a cease and desist instruction. Further violations by the same supervisor/office after a cease and desist could result in overtime payments at the applicable rate of pay. Repeated violations will result in intervention from the USPS Area level and APWU Regional level.

SOURCE: *Area level agreement of the parties.*

9. Can the Employer require the steward to indicate how much time will be needed to process a grievance?

RESPONSE:

Yes. The parties have agreed that, upon the Employer's request, the steward will provide an estimate of the amount of time he/she may be away from the work area in order to process a grievance(s).

SOURCES: *Step 4 resolution in Case H8C-1M-C 17945, dated February 19, 1982; Award of National Arbitrator Sylvester Garrett in Cases MBNAT-562 and 936, dated January 19, 1977.*

10. What is the standard used to determine the amount of time that the steward may be granted to process a grievance?

RESPONSE:

The standard to be applied, under normal circumstances, is that time should be "reasonable." As no predetermined measurement can be made, the question of whether reasonable time was granted must be determined on a case-by-case basis.

SOURCE: *Step 4 settlement in Case HIC-3W-C 44345, heard on May 9, 1985.*

11. What if the steward cannot be released for the full amount of time required by the steward?

RESPONSE:

If, for example, the steward reasonably requires one hour, but the supervisor needs the steward back after 30 minutes, the supervisor should provide the remainder of the time within a reasonable time frame, normally before the end of the work day.

SOURCE: *Area Level Agreement.*

- 12. What information may a steward obtain regarding an official discussion that relates to subsequent disciplinary action issued to an employee?**

RESPONSE:

If a discussion was relied upon in the issuance of discipline to an employee, to establish that the employee had been advised of his/her responsibilities, the steward may orally obtain the date and subject of that discussion from the supervisor.

SOURCE: *Step 4 settlement in Case H4C-4C-C 32156, dated March 24, 1987.*

- 13. Does an employee have a right to have a steward present during the course of an investigatory interview by a manager/supervisor or during an interrogation by the Inspection Service?**

RESPONSE:

Yes. In those circumstances in which the employee is involved in an investigatory interview which he/she reasonably believes will result in discipline against him/her, and the employee requests representation, the Employer must provide a representative if the interview is to continue. If an employee requests a steward or Union representative to be present during the course of an interrogation by the Inspection Service, such requests will be granted.

SOURCE: *Step 4 remand with language in Case H1N-5D-C 26954, dated May 17, 1985, and Article 17 Section 3.*

- 14. Can stewards interview postal inspectors in the course of the union's investigation?**

RESPONSE:

Yes.

SOURCE: *Pre-arbitration settlement in Case N8-N-0224.*

- 15. Can stewards interview employees of other crafts in the course of a grievance investigation?**

RESPONSE:

Yes.

SOURCE: *Step 4 remand with language in Case HIT-5H-C 28879, dated June 7, 1985.*

- 16. Can a steward be present while an employee is being given an official discussion about an employment deficiency?**

RESPONSE:

No.

SOURCE: *Article 16.2*

- 17. What rights does Section 3 provide to stewards in instances in which excessing is planned?**

RESPONSE:

The parties have agreed that a steward cannot be involuntarily reassigned from his/her station or branch so long as there is a job (work) there for which that steward is qualified. The same basic principle applies in regard to reassigning stewards from their tours of duty and/or installations, unless the steward gives up this right.

The parties have also concurred that stewards retain their super-seniority for bidding on initial vacancies in cases where there are excessed employees seeking to exercise their retreat rights.

SOURCES: *Pre-arbitration settlement in Cases H8C-5F-C 11643 and 11827, dated March 4, 1982; Award of National Arbitrator Raymond Britton in Case H4N-SC-C 17075, dated November 28, 1988; Award of National Arbitrator Richard Bloch in Case H1C-3Q-C 29502, dated October 1, 1985. Letter from A. Vegliante to W. Burrus, dated November 5, 1992.*

- 18. Is there a set amount of time to which the Union is entitled to address employees during orientation?**

RESPONSE:

No. The parties have agreed that the Union will be provided with "ample opportunity" to address new employees during orientation.

SOURCE: *Step 4 remand with language in Case H4C-35-C 60130, dated December 23, 1987.*

19. What explanation should an employee give to his/her supervisor in order to be released?

RESPONSE:

If requested, the general nature of the grievance.

SOURCE: *Step 4 H1C-3W-C-31937, dated July 26, 1984.*

20. Can management require a Form 7020 for each grievance?

RESPONSE:

Yes. However, common sense should apply.

SOURCE: *Step 4 H1C-SK-C-1229, dated June 4, 1982*

21. Is a Step 1 work sheet filled out on-the-clock?

RESPONSE:

Yes.

SOURCE: *Step 4 H1C-3P-C-6922, dated August 20, 1982.*

22. Can a grievant accompany a steward during a Step 1 investigation?

RESPONSE:

No.

SOURCE: *Step 4 H1N-3U-C-36133, dated January 15, 1985.*

23. What information is the union entitled to?

RESPONSE:

Articles 15, 17, and 31 intend that any and all information which the parties rely on to support their positions in a grievance is to be furnished and exchanged. This fosters maximum resolution at the lowest level. Information requests for employee time records, employee leave records, employee prior discipline records, employee staffing records and employee work schedule records are generally regarded as relevant with respect to the APWU's determination whether or not to file a grievance concerning those matters. For these routine requests, no specific basis for relevancy is required on the APWU's request form. Requests for other types of information require the union to show the basis of the information's relevancy, the relevancy will be determined by the Union. Privacy Act and/or lack of employee permission and not sufficient grounds to deny a request for information.

Requests for non-bargaining unit employee records and medical records must be reviewed with care to ensure that individual privacy rights are not violated. The law has developed special rules for union requests for information relating to non-bargaining unit members and employee medical information. Information regarding non-bargaining unit members should be provided if it is reasonably probable that the information is relevant to an issue between the parties and would be of use to the union in carrying out its statutory duties and responsibilities. With respect to medical records, copies should be provided; however, where there is legitimate and substantial employee confidentiality interest that would be compromised by disclosure of the records, there is an obligation to bargain with the union in order to seek an accommodation concerning the information requested.

SOURCE: *Articles 15, 17 and 31 of the Collective Bargaining Agreement, and national level memorandum on NLRB Dispute Resolution Process dated July 15 1997. H4T-2A-C 36687, Arbitrator Mittenthal dated 11/16/90.*

24. Is there a time limit for management to provide requested information which is available at the local level?

RESPONSE:

Yes. The information or a date on which the union will receive the information will be provided within seven (7) days of the request, unless there is a mutually agreed upon extension of time limits. If the information is not provided, management must provide a written statement explaining why the information cannot be provided within seven (7) days of the request. The request will then be forwarded to District management with related correspondence and documents.

SOURCE: *MOU, NLRB Dispute Resolution Process, July 15, 1997.*

- 25. If a request for information is denied or the information is not provided, who has the responsibility to appeal the denial to the next level under the NLRB Dispute Resolution Process.**

RESPONSE:

The supervisor.

SOURCE: *National level memorandum on NLRB Dispute Resolution Process dated July 15 1997.*

- 26. What is the Chief Steward's role in the filing of grievances?**

RESPONSE:

The Chief Steward is certified by the local president in accordance with the formula in Article 17, Section 2, and has no greater rights than any other steward certified under Section 2.

SOURCE: *Article 17, Section 2 and Area level agreement between the parties.*

- 27. Does a steward have the right on the clock to do such things as copy, log, and convert information?**

RESPONSE:

Yes, stewards are entitled to reasonable investigative time on-the-clock for handling grievances and such investigative time could conceivably include the mechanics of copying, logging, or converting of information from original documents to graphs, forms, notes, etc.

SOURCE: *Step 4 H8C-3D-C-21690, dated August 4, 1981.*

- 28. Does a steward have the right to review documents on the clock rather than to obtain copies?**

RESPONSE:

Yes.

SOURCE: *Step 4 H4N-3W-C-27743, dated May 1, 1987.*

- 29. Is steward duty time authorized for FECA problems (OWCP related issues)?**

RESPONSE:

No, not in the filing or processing of OWCP appeals; however, the employee or steward would still have the right to grieve contractual disputes.

SOURCE: *Mahon letter to Burrus dated July 27, 1988; Howard letter to field dated April 20, 1988.*

30. Can a steward, while on the clock, interview a non-postal witness?

RESPONSE:

Yes. A steward's request to leave his/her work area to investigate a grievance, shall not be unreasonably denied. Subsequent to determining that a non-postal witness possesses relevant information and/or knowledge directly related to the instant dispute under investigation, a steward may be allowed a reasonable amount of time on-the-clock, to interview such witness, even if the interview is conducted away from the postal facility. However, each request to interview witnesses off postal premises must be reasonable and viewed on a case by case basis. It is not unreasonable for a supervisor and/or steward to telephone the prospective witness to ascertain availability and willingness to be interviewed and, if willing, to establish a convenient time and locale.

SOURCE: *Memo of Understanding dated December 6, 1982.*

31. Are union stewards entitled to copies of bargaining unit employee medical records when such records are relevant to a grievance?

RESPONSE:

Yes. Relevant medical records should be released per the provisions of the EL-806.

SOURCE: *EL-806, Section 223 and ASM, Part 120.090.*

32. Must union stewards have written authorization for access to a grievant's medical records?

RESPONSE:

No. The procedures in Section 223.3 of the EL-806 must be followed.

SOURCE: *ASM 223.3 and EL-806.*

33. Can a steward on overtime investigate a grievance?

RESPONSE:

Requests for additional time to process grievances should be dealt with on an individual basis and shall not be unreasonably denied. Management will not delay a union steward time to perform union duties based solely on the fact that the steward is in an overtime status.

SOURCE: *Step 4 H4C-5K-C-7100, dated September 4, 1987.*

34. Does a steward have the right to be represented by another steward?

RESPONSE:

Yes. A steward, just as any other employee, has a right to representation by another steward.

SOURCE: *Step 4 H1C-3W-C-41731, dated February 15, 1985.*

35. May a union member in one post office (installation) be designated as the union's representative to process a grievance at another post office?

RESPONSE:

Yes. Such an employee must be certified in writing to the employer at the Area level. The employee so certified will not be on the employer's official time and will be compensated by the union.

SOURCE: *Pre-arbitration settlement H8N-2B-C- 12054, dated May 20, 1982; Article 17.2 of the Collective Bargaining Agreement.*

36. If requested, is it required that the union be allowed to participate in new employee orientation?

RESPONSE:

Yes. This includes Transitional Employee orientation.

SOURCE: *Article 17.6 of the Collective Bargaining Agreement.*

37. Who controls posting/removal of material from authorized union bulletin boards?

RESPONSE:

The Union, unless and until the Postal Service can prove that the material is unsuitable for posting because it has caused or will cause an adverse impact upon the ability of postal authorities to direct the work force and to manage its operations effectively and productively.

SOURCE: *Step 4 numbered H4C-3N-C-36805, dated August 5, 1987; National award N8-W-0214, dated July 14, 1981, Arbitrator Gamsler; Old Dominion Branch No.496, NALC AFL-CIO vs Austin, 418 US 264 (1974).*

38. What types of postings has management improperly removed?

RESPONSE:

CFC boycott material;
Grievance summaries;
Non-member lists.

SOURCE: *Step 4 numbered H8C-5F-C-16282, dated October 7, 1981; Step 4 numbered H1C-3D-C-4605, dated June 9, 1983; Step 4 numbered H4C-3N-C-36805, dated August 5, 1987; National Award N8-W-0214, dated July 14, 1981, Arbitrator Howard G. Gamsler.*

39. Do national, regional and local union officials have rights to enter postal installations?

RESPONSE:

Yes, upon reasonable notice.

SOURCE: *Step 4 numbered N-S-188, dated May 25, 1972; Step 4 numbered H1N-5C-C-1479, dated June 25, 1982; Gildea Memo to Regional General Manager, Labor Relations Division regarding "Visits to Postal Installations by National/Regional Union Officials", dated December 15, 1982.*