

USPS/NALC
Dispute Resolution Process
Joint Questions and Answers

This is a revised version of the Dispute Resolution Process questions and answers dated July 2003. All previous versions should be discarded.

- 1. Do removal cases receive priority treatment?**
Yes, both for discussion and decision. See Article 15, Section 2, Step B(b) and Article 15, Section 4.B.4.
- 2. Since removals are deferred until after the Step B decision or 14 days after receipt at Step B (whichever comes first), who determines when they will be effective?**
The supervisor/manager who issued the removal or another management official at the local office is responsible for determining when the removal is effective consistent with the 30 day advance notice requirement in Article 16, Section 5.
- 3. How does the DRP affect safety and health grievances?**
They can be filed at Formal Step A directly with the installation head. The steward may fill out the first part of the form as usual and may file it directly with the installation head, bypassing the immediate supervisor.
- 4. In a small office the Union wants to designate the steward who filed the grievance at Informal Step A as the Formal Step A representative. May it do so?**
Yes. The contract language has not changed.
- 5. How long does the immediate supervisor who discusses the informal Step A grievance have to respond?**
If the parties are unable to reach resolution during the informal discussion, the steward must initiate a Step A meeting by sending a Step A grievance form within seven days of the discussion. However, nothing prohibits the parties from agreeing to a one or two day extension of the time limits to initiate a grievance in order to allow supervisor time to investigate prior to discussion.
- 6. Can the parties agree to extend time limits in the process?**
The Step A and Step B representatives can agree to extend time limits for meeting and discussion at their respective steps.
- 7. At what point does the grievance get a Postal Service number? How does this**

happen?

Grievances are given Grievance/Arbitration Tracking (GATS) numbers at Step A. It is management's responsibility to obtain a GATS number at Step A, which is normally done through the District Labor Relations office. In the event that a GATS number is not provided at Step A, the grievance must still be discussed and responded to in a timely fashion. Problems with obtaining GATS numbers should be brought to the attention of the District Human Resource/Labor Relations Manager.

8. Are resolutions offered at Step A from both parties entered on the PS Form 8190?

Yes. However, if the case ultimately goes to arbitration, all settlement offers entered on the PS Form 8190 must be deleted /whited out/overlined so that they are not presented to the arbitrator.

9. Where are the unresolved Formal Step A grievances sent?

The union sends the appeal and file directly to the DRT office. **What information should be in a file sent to Step B?**

The fully completed PS Form 8190 and all supporting documentation.

10. Does Article 15 still provide for additions and corrections to management's Formal Step A decision?

The union may submit written additions and corrections to the Formal Step A record with the Step B appeal with-in the time limit for filing an appeal to Step B. The filing of any corrections or additions does not extend the time limits for filing the appeal to Step B. A copy of the additions and corrections must be sent to the management Formal Step A official. Management may respond by sending additional information to the Step B team which is directly related to the union's additions and corrections provided that it is received prior to the Step B decision. A copy must be sent to the union Formal Step A representative. Any statement of additions and corrections must be included in the file as part of the grievance record in the case. A steward is entitled to time on-the-clock to write the Union's statement of corrections and additions.

11. What are the primary responsibilities of the DRT's?

As agreed in the DRP, the primary role of the Step B resolution team will be "to decide the grievances presented to them and to communicate the basis for the decision to the parties at Steps A. Upon the joint request of the District/Area Manager and the NBA, the teams also may be called upon to provide training and other assistance to the local parties." Education and training is an important responsibility second only to the grievance workload.

12. To what extent should Step B teams be involved in workplace interventions?

When there is joint agreement, the District/Area Manager and NBA may call upon the Step B teams to handle workplace interventions where circumstances warrant and the activity does not interfere with the performance of the primary roles noted above.

13. Who approves leave for DRT members?

The District Manager or designee.

14. Can DRT's travel to the field to address issues in local sites?

The team's primary role is to decide grievances. However, it is permissible when

jointly approved by the District/Area Manager and NBA.

- 15. Can DRT's handle cases involving the Postal Inspection Service?**
Yes. There is no change in this regard.
- 16. May the Step B team contact District/Area management and/or the NBA for guidance?**
Yes. However, the DRT has the responsibility to make its own decision based upon the facts, the Joint Contract Administration Manual, other research sources and contract language.
- 17. What kind of support services should be provided to DRT's?**
Suitable office space, clerical support as typically provided in that office, a speaker phone, computers with CD-ROM, and such other support as may be needed to perform their DRT assignments.
- 18. What is the work schedule (N/S days) and work hours of the DRT's?**
The DRT work schedule is set by the District Manager or designee after discussion with the NBA.
- 19. Can DRT members work overtime? If so, who authorizes the use of overtime for NALC DRT members?**
The intent of the parties is that letter carrier's serving in the capacity of Step B representatives will serve in that assignment full time, and will not work any overtime performing letter carrier work. NALC Step B team members may however, work overtime in their assignment as Step B representatives. The District Manager or designee authorizes the use of overtime.
- 20. Are members of the DRT FLSA-exempt?**
Becoming a Step B representative does not change FLSA status. Most management Step B representatives are FLSA-exempt. On the other hand, letter carrier team members remain FLSA-non-exempt.
- 21. Will DRT members receive mileage to their duty station?**
No. The location of the Step B representative's office becomes the duty station. If DRT members are authorized job-related travel from the new duty station, mileage will be paid as specified in the appropriate handbooks/manuals.
- 22. Will NALC members of the team continue to receive their uniform allotment?**
Yes, during the term of the 2001 agreement.
- 23. Can new DRT members be added/changed after the process begins?**
Previously trained and certified "backup" teams may be used at any time by agreement of the District/Area Manager and NBA. However, conversion of the backup team to a permanent full-time status must be approved by mutual agreement of the parties at the Headquarters level. Any new or replacement Step B representatives must be trained and certified by the national parties prior to assuming duties as members of the DRT or backup team.
- 24. If there is turnover among Step B representatives, may the District Manager or NBA detail another individual to serve as the Step B representative?**

Individuals may serve as Step B representatives only after being trained and certified by the national parties.

25. Do backup teams get copies of all decisions?

No. However, the primary team is expected to maintain a copy of the file with the decision which are available for review by the backup team.

26. Can DRT members participate as advocates or witnesses in arbitrations, and MSPB, EEO or OWCP hearings?

Step B representatives may not serve as advocates in letter carrier cases. If there are any questions regarding appropriate DRT roles, they should be discussed with the District/Area Manager and NBA.

27. Are DRT members precluded from engaging in union business while serving as a DRT?

The DRP places no restrictions on non-grievance related duties.

28. Can DRT members participate as a union or management member of an NALC LMOU bargaining committee?

No.

29. Are resolutions citeable in an office?

Formal Step A resolutions are only citable if the parties specifically so agree (see Article 15, Section 2, Formal Step A.e). Step B resolutions are citable in the installation where they arose.

30. When does the 14 day time limit for appealing a case to arbitration begin?

When the Step B file is received in the NBA's office.

31. Should the DRT make a decision based on the case file as received, or should they remand if information is missing?

The Step B Team is not responsible for building the file and are not to go into the field for that purpose. If a file lacks proper documentation, the grievance should be remanded to the local level, or the parties should jointly call the local parties, with instructions concerning needed documentation and a timeframe for response.

32. Can new evidence/arguments be presented at a later step?

The contract language in this area has not changed.

33. When the parties declare an impasse, are the arguments in arbitration limited to those raised in writing in the impasse decision?

The impasse decision should contain all issues in dispute and both parties' position on those issues. The arbitration would thus generally be limited to those issues. However, there are always exceptions to general statements like this; an arbitrator could use his/her authority to hear additional arguments if persuaded of the

necessity. We do not, however, want "arbitration by ambush".

- 34. Who determines whether a case is interpretive?**
If either parties representative at Step B or the NBA or Employer's Area representative believes the grievance involves an interpretive issue it will be discussed with the appropriate National Union/Management Representatives at the Headquarters level (See Article 15.2 Step B e).
- 35. May cases be held at Step B?**
Yes, if they present an issue already pending at the national level. Files should be retained by the Step B team and copied to the NBA and District office.
- 36. Is it appropriate to use "boilerplate" language on resolved cases?**
Each decision should be tailored to the fact circumstances of the specific case. The teams may agree to use "boilerplate" language when appropriate.
- 37. Should the file be kept after a case is decisioned?**
Yes. The DRT must maintain a complete file. The ASM regulates the retention period. DRT's are to check with their respective organizations for further instructions.
- 38. Where are copies of all Step B decisions sent?**
At a minimum, to the Formal Step A parties, the NBA and the designated District office.
How often should they be mailed?
As soon after the decision date as possible.
- 39. How do the provisions of Article 7.3.C and the Maximization MOU apply to NALC DRT members?**
The parties agreed in the September 7, 2000 Memorandum on Roles and Responsibilities provides that if a Step B representative's original duty assignment becomes a holddown assignment, the NALC will not seek the conversion of PTF to full-time as a consequence of a PTF serving in that assignment meeting the maximization criteria of Article 7.3.C or the Memorandum on Maximization.
- 40. What happens to MSPB appeal rights under the Dispute Resolution Process?**
Under the process a preference eligible is not deprived of any applicable appeal rights under the Veteran's Preference Act. If the employee appeals under the Veteran's Preference Act, the time limits for appeal to arbitration and the normal contractual arbitration scheduling procedures are not to be delayed as a consequence of that appeal. However, if there is an MSPB appeal pending as of the date the arbitration is scheduled by the parties, the grievant waives access to the grievance-arbitration procedure beyond Step B.
- 41. Will there be updates of the Joint Contract Administration Manual (JCAM) ?**
The national parties will update the JCAM at least once each calender year during the life of the National Agreement.
- 42. How do Step B teams arrange for offices/people who need additional training?**
The Step B teams should bring offices experiencing repeated contract violations or

otherwise in need of training to the attention of the District/Area Manager and NBA (or their designees). Use of the Step B teams to conduct training is up to the District/Area Manager and NBA.

43. Can Step B representatives modify their decisions?

Yes, but only by mutual agreement. Should the District/Area Manager and NBA determine that a decision should be modified, they must jointly direct the Step B team to modify their original decision.

44. How do we handle complaints about decisions?

Step B decisions should be self-explanatory. Requests for explanations should be viewed as an excellent opportunity to further educate and to build credibility for the DRP. Formal requests are to be answered jointly.

45. May we settle a grievance in part?

Yes, DRT members should attempt to resolve all issues. If unable to do so, however, a grievance may be resolved in part and impasse in part.

46. When should information first be shared between the parties?

The parties are required to share information as soon as possible and at the lowest level.

47. Whose responsibility is it to monitor the open and aging cases at both Step A and Step B?

It is the Step B team's responsibility to issue timely decisions and to communicate with the District and NBA if they are unable to do so. The District and NBA are responsible for ensuring timeliness at Step A as well as oversight of the process in each district.

48. Must the PS Form 8190, be filled out at the Informal Step A filing discussion with the supervisor?

Items 1 through 13b must be completed by the Informal Step A parties. If resolved at the Informal Step A, the parties MAY use the 8190 to memorialize the settlement for their own records. If the Informal Step A parties do not resolve the grievance the parties must complete items 1 through 13b and the NALC may initiate a "Formal" Step A meeting by sending Joint PS Form 8190 to the Postmaster or designee within 7 days.

49. When the union representative/president attends a Step A meeting, are they on the clock?

The provisions of Article 17, which govern payment to union representatives, have not changed and are applicable to the DRP.

50. Is a PS Form 2608 still filed at the Step A discussion level?

The only official grievance form is the PS Form 8190.

51. If the supervisor or steward were involved in the filing or response to a grievance, will they be responsible for handling that grievance in the DRP?
If either of the parties were involved at either Informal or Formal Step A, they should recuse themselves from issuing a decision at Step B.

52. Who pays for the postage, when a dispute is not resolved, and the NALC wishes to appeal to the next level?
The use of penalty envelopes is permitted but not required. Special services for penalty envelopes are not authorized to be used for mailing of appeals. Should the union desire to use special services, the full cost of the postage and the services requested must be prepaid.