



CONNECTICUT DISTRICT DISPUTE RESOLUTION TEAM
24 Research Parkway, Wallingford, CT 06492-9411

STEP B DECISION

Step B Team:
**Nilza I. Mercado/
Gennaro G. Mascolo**

District: **CAP Metro**

Decision: **RESOLVE**
USPS Number: K11N-4K-C-16580460
Grievant: Castellanos, N.
Branch Grievance Number: 52-2016-MC18
Branch: 3825
Installation: Rockville
Delivery Unit: Pike Annex
State: MD
Incident Date: Ongoing
Date Inform. Step A Initiated: 05/23/2016
Formal Step A Meeting Date: 07/07/2016
Date Received at Step B: 08/05/2016
Step B Decision Date: 08/31/2016
Issue Code: 15.0000
NALC Subject Code: 505011
Orig. Step B Received Date: 07/11/2016
Date Sent to Assist. Team: 08/03/2016

ISSUE: Did Management violate Article 15 Section 1 of the National Agreement referencing the precedent setting Step B decision to Branch grievance #52-2015-MC41 (N. Castellanos) rendered on March 24, 2016 when they have continually failed to implement the said Step B decision with respect to the Grievant's request for leave sharing to cover maternity leave absences and if so what is the appropriate remedy?

DECISION: The Dispute Resolution Team has **RESOLVED** this grievance. Management is in violation of Article 15 of the National Agreement and Step B decision # K11N-SK-C16020196. As part of a compromise decision, the Grievant is hereby awarded a lump sum remedy of \$2,500. No further remedy is warranted at this time. In addition, **Management will contact HRSSC via phone to inquire on the status of this form and re-submit if need be.** Once processed, Management will post the Leave Sharing request for (4) weeks and the Grievant may submit PS Form 3971s to request Donated Leave for the time she was on maternity leave. Any employee wishing to donate leave will provide a PS Form 3970-D. Management will provide the Union with copies of all documents and will keep the Union informed of its communications with HRSSC.

The CT Valley DRT asks the Cap Metro DRT process the lump sum adjustment and provide the local parties with copies of the same.

EXPLANATION: The CT Valley DRT has mutually agreed to a time limit extension in the adjudication of this grievance. In addition, the case file includes a PS Form 8190, August 2002 version. The Parties are reminded the current version is dated March 2016 and this should be the only version used in the future.

The case file as received establishes the Union filed the instant Grievance as a result of Management's alleged failure to abide by Step B decision # K11N-SK-C16020196 which specifically states:

"This grievance is resolved. The Grievant's request for Leave Sharing shall be processed and posted for (4) weeks. The Grievant may submit PS Form 3971s to request Donated Leave for the time she was on maternity leave. Any employee wishing to donate leave will provide a PS Form 3970-D."

The Union at the Formal Step A provides 6 pages of contentions too lengthy to cite verbatim. In summation, on October 5, 2015, the Grievant submitted a PS Form 3970-R to Management requesting Leave Sharing. Management completed Section 2 of the form on the same date and according to e-mails provided in the case file submitted the form to HRSSC on 10/22/2015. The Union contends Management fails to provide evidence the form was moved forward to HRSSC or was ever assigned an LSP case number. Management failed to post the Leave Share request. Grievance #52-2015-MC41 was filed as a result of this and it was resolved on 3/24/2016 by the Portland District B Team instructing Management to do the following:

"This grievance is resolved. The Grievant's request for Leave Sharing shall be processed and posted for (4) weeks. The Grievant may submit PS Form 3971s to request Donated Leave for the time she was on maternity leave. Any employee wishing to donate leave will provide a PS Form 3970-D."

To date, Management has failed to abide by this decision. The Union further contends Management has a long and egregious history of failing to abide by local resolves, B-Team decision and pre-arbitration AND arbitration decisions. The Union requests the Grievant be awarded a lump sum payment of \$25 per calendar day from April 1, 2016 until the date she receives the donated leave as money in hand. In addition the Union requests Management pay the NALC Branch 3825 a compensatory lump sum remedy of \$1,500 in order to emphasize to Management the need for contract compliance for such Leave Sharing violations.

Management at the Formal Step A contends in summary local Management is disputing they violated this decision in any way. Management at this level made every effort to comply with the decision sent down from the team. In order to do so Management has to submit and request the required decision to be acted upon by the District. This was done repeatedly. The Local HR person for this unit submitted the necessary request and followed up with District personnel for action. No action was taken on the request. Local Management's response is dependent on other actors to comply with this decision. Every effort by local management was made to ensure that the Step B decision was complied with. Documentation is being submitted to show this good faith effort on the

part of local Management. It is Management's contention that whatever remedy the Union is requesting must be denied.


After a thorough review of the documentation contained in the case file, as well as each parties' contentions, the DRT finds the case file supports a violation of Article 15 and Step B decision K11N-SK-C16020196 as Management fails to provide evidence the PS Form 3970-R was ever processed and/or posted. While Management does present a copy of emails sent to HRSSC with the PS Form 3970-R attached, there is no mention or evidence of Management following up with HRSSC via phone to ascertain why this form had not been processed.

While the Union provides substantial documentation in support of its request for an additional remedy of \$1,500 to be awarded to Branch 3825, this Team finds any remedy granted should be awarded directly to the **affected** party in this case file; **the Grievant**. The Union's request for the B Team to award the Grievant "a lump sum payment of \$25 per calendar day from April 1, 2016 until the date she receives the donated leave as money in hand." is illogical as there is no guarantee the Grievant will receive Leave Share donations.


As such, based on the case file as it was presented the proper remedy is listed above.

Grievance File Contents:

See Table of Contents



Nilza Mercado, Management
Step B Representative
Date: 08/31/2016



Gennaro G. Mascolo, NALC
Step B Representative
Date: 08/31/2016

cc: D. Cudjoe USPS Step A Representative
M. Curley NALC Step A Representative
NALC, NBA
Mgr. Human Resources
Manager, Labor Relations
President Branch

File