

Understanding the grievance procedure

In the last issue of *The Postal Record*, we explained the basic structure of NALC to help new members understand how their union protects letter carriers. This month, we are taking a closer look at how disputes between USPS managers and letter carriers are handled through the grievance procedure.

Letter carriers are protected by the National Agreement (our collective-bargaining agreement) that NALC negotiates with USPS. The National Agreement sets our work rules, pay and benefits, and establishes a procedure for filing complaints, which are called grievances. All letter carriers, including city carrier assistants (CCAs), have rights under the contract and access to a grievance-arbitration procedure if the National Agreement is violated.

Article 15 of the National Agreement lays out the grievance procedure that is used to resolve disputes. Though the process includes several steps, it is designed to resolve disputes and grievances at the lowest possible step. Understanding the grievance process will put you in a much better position to help yourself, your shop steward and your fellow carriers if management violates the contract.

Shop stewards are letter carriers with special training and knowledge of the contract. Stewards are the front line in NALC's efforts to enforce the terms of the National Agreement. Whenever management fails to provide letter carriers with what they are entitled to under the National Agreement, the steward is the first to handle the problem.

"The shop steward is where you start," NALC President Fredric Rolando said. "Talk to your steward if you have

an issue, no matter how large or small the issue may be."

At times, problems are resolved without the letter carriers involved even knowing about it. "When a steward goes to a manager and fixes a problem, or a potential problem, just by informing the manager of the situation or reminding the manager of what the contract requires, sometimes that's enough," Rolando said. "The issue gets nipped in the bud, and letter carriers down the line may never have to deal with the problem in the first place. That's one reason it is important to talk to a steward when you see an issue."

If other attempts to resolve a dispute or correct a contract violation fail, the steward may continue to investigate the issue to determine if a grievance is necessary. A grievance is a dispute, difference, disagreement or complaint between the parties related to wages, hours and working conditions. The process gives each and every letter carrier the opportunity to have a wrong corrected if management has violated a letter carrier's rights under the National Agreement.

The timing of a complaint matters. The National Agreement requires that grievances be filed within 14 days of when the contract violation took place or when the union became aware of the violation. "Be sure to talk to your steward as soon as possible after you become aware of a problem," Rolando said.

In each grievance, the union asks for a remedy. The remedy request should accomplish a few goals. It should stop future violations and make the carrier whole from anything lost as a result of the violation. It is important to give your shop steward all of the informa-

tion about the issue so that the steward can request the appropriate remedy.

The grievance process has several steps. Every grievance starts with Informal Step A, which involves the steward discussing the issue with the supervisor. This initial step gives supervisors a chance to fix the problem quickly by talking to the steward without much paperwork.

If the grievance is not resolved at Informal Step A, the union may appeal it to Formal Step A within seven days of the Informal Step A discussion.

At Formal Step A, the NALC branch president and the postmaster (or their designees) are responsible for fully developing the facts of the grievance, exchanging relevant documents and meeting to attempt to resolve the grievance.

If the grievance is not resolved at Step A, the union may appeal the grievance to Step B of the process. The union and management Formal Step A representatives each write their facts and contentions about the issue and send them, along with all relevant documentation, to one of the 58 full-time dispute resolution teams (DRTs). Each DRT is composed of a letter carrier and a manager who consider the evidence, consult the National Agreement and try to resolve the grievance. DRT members are jointly trained on the contract and how to apply its terms to resolve disputes.

If the DRT can't agree and instead reaches an impasse, the NALC national business agent (NBA) for the region may appeal the grievance to arbitration. In arbitration, a neutral arbitrator considers the arguments presented by both sides and makes a decision. An arbitration hearing is held, during which NALC and USPS managers

National
Association
of Letter
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(AFL-CIO)



2016-2019

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present evidence and testimony. The arbitrator then issues a final and binding written decision on the grievance.

“Shop stewards stand up for letter carriers, day in and day out, by enforcing the contract on the workroom floor. Their work protects our rights and makes our jobs better and safer,” Rolando said.

To make the job of applying the National Agreement even easier, USPS and NALC publish a *Joint Contract Administration Manual (JCAM)* that clarifies, section by section, the meaning of the contract as agreed upon by both the union and management. With the *JCAM* in hand, stewards and managers can settle many disputes quickly.

To ensure that stewards have the tools and knowledge they need, NALC branches, state associations and Headquarters hold frequent training sessions. Many training sessions are geared to new stewards; others help to

boost the knowledge of experienced stewards and team members who are involved in higher levels of the grievance process. NALC also offers periodic training sessions on specific areas of interest at the national convention and other gatherings.

“The NALC process has proven to be one of the most effective dispute-resolution processes among unions,” Rolando said. “Our grievances are often settled relatively quickly and fairly because everything is disclosed up front,” he added. “The process starts with laying out the facts and then using the National Agreement to determine if a violation has taken place and what is needed to remedy the violation. It encourages confronting the problem head-on and preventing it from happening again in the future.”

Rolando pointed to the small number of cases in arbitration as evidence. Even though NALC is the largest postal union, only a small percentage of grievances from postal employees that

go all the way to arbitration involve letter carriers. Full disclosure of the facts at the beginning of the grievance process generally makes for speedy and fair outcomes—but it also makes a letter carrier responsible for supplying facts, and possibly evidence such as a written statement, up front.

“Your best chance for a successful grievance is to give your steward all of the information you have and whatever else he or she needs to build a solid case,” Rolando said. “Don’t hold anything back for any reason. Help your steward make the best case for you.”

Many shop stewards became stewards after seeing the success of the grievance process, and wanting to help their fellow letter carriers. “Increased knowledge and understanding of the grievance process among all letter carriers will only make the process more successful going forward and get more letter carriers interested in serving as shop stewards in the future,” Rolando said.

If you have further questions about the grievance process, contact your shop steward or branch officer. **PR**