

## THE SAN FRANCISCO REGION

# SENTINAL



## ISSUE #1

### **ORDER OF GRIEVANCE FILES**

**From the Desk of: James Scoggins**

As your Clerk Division National Business Agents, we are always seeking ways for all of us to come together in a joint effort to improve our representation to the membership. Therefore, my contribution to this issue will be focusing your attention to the order of the grievance files when making Step 3 Appeals and/or Direct Appeal to Arbitration.

In this regard, we have come up with a "Grievance File Order" that will help us more effectively sort through the issues of the grievance, which in turn will hopefully enable us to more effectively argue the concerns of the grievances to the USPS Step 3 reps that are sitting across from us.

Our recommendation for the order of the grievance files should begin with the moving papers and/or grievance forms in the following order, from top to bottom:

***The Union's Step 3 or Direct Appeal to Arbitration Forms***

***The Union Corrections & Additions, if written***

***The USPS Step 2 Decision Letter, if provided***

***The USPS PS Form 2609, if provided***

***The Union's Step 2 Appeal Form***

***The USPS PS Form 2608, if provided***

***The Union's Step 1 Outline (if utilized)***

***A copy of the steward of record certification***

***Any mutually agreed upon extension of time limits***

Please be advised that by placing the above referenced documents in the file first, in the order that they have been listed, gives us an opportunity to capture the arguments made by both sides, which in turn enables us to quickly and easily determine the issues of the grievances.

The order of the grievance files should continue with the exhibit list, in the following order:

***Notice of Letter of Charges, if a disciplinary grievance***

***Copy of the supervisor's notes from the pre-disciplinary/investigative interview***

***A copy of all live discipline in the grievant's file and the disposition of those grievances***

***A copy of all documents applicable to the contract dispute, if a contract grievance (e.g. Policy Changes; Reversion; Bid***

**Posting; Form 50s; OTDL; and Clock Rings; etc.)**

**Grievant Statement**

**Witness Statement(s)**

**Steward's Step 1 Meeting Notes**

**Steward's Step 2 Meeting Notes**

**Steward's Interview Notes of the Supervisor**

**Applicable LMOU Provisions (if applicable)**

**Labor/Management Meeting Minutes (if applicable)**

**Past Grievance Settlements (if applicable)**

**Request for information forms, including the identification of the information received and not received**

**Medical Documentation and/or other records relevant to the grievance**

**All correspondences (e.g. emails; letters fax transmissions, etc.)**

Arranging the grievance files that are appealed to this level in the above recommended order will contribute greatly to the swift adjudication of the issues and concerns that have been appealed up to us.

We sincerely believe that the more unified we (*i.e. the NBAs, local stewards and officers*) become in all aspects of our efforts of representing our membership, the more effective we will be in doing so.

In this issue we would also like to take this opportunity to thank you for all of the hard work that you perform and let you know that we look forward to getting to a time and place that the word Solidarity is not just a catchy way to end an

email/letter, but a way of life for all of us in the San Francisco Region.

**GOD BLESS!**

## **CAN MANAGEMENT DO THAT?**

**From the Desk of: Chuck Locke**

This is a phrase we hear all the time as Union officials. My standard answer is, "yes management can do that if we don't file grievances." This means you need to know your rights under the Collective Bargaining Agreement and take action when it is violated.

### **Can PTF's be loaned into level 21 and above Post Offices?**

No. There will no longer be Part-Time Flexible (PTF) employees working in in post offices Level 21 and above.

### **Is abolishment and reversion of a duty assignment the same thing?**

No. An abolishment is a **management decision** to reduce the number of occupied duty assignment(s) in an established section and/or installation. While a reversion is a **management decision** to reduce the number of duty assignments in an installation when such duty assignment(s) is/are vacant.

### **What is a reposting of a bid?**

Reposting occurs when **management decides** to change the fixed days off, change the principle assignment area, change the start time more than allowed by the CBA or LMOU or change the scheme knowledge requirements of a current occupied bid.

### **What happens to me when my bid is reposted?**

If the employee is not the successful bidder on the reposted assignment or another assignment on that bid posting, the employee becomes an

unencumbered regular on the date that the results of the posting are announced.

**Does the 14-day time limit to file a grievance start on the day discipline is issued to an employee?**

No. The day the discipline is issued to the employee does not count towards the 14-day time limit. The 14-day time limit begins the day after the discipline is issued.

**Does the 14-day time limit include my days off and holidays?**

Yes. This the 14-day time limit is calendar days.

**Must an employee's request for light duty request be submitted in writing?**

Yes. Any full-time regular or part-time flexible employee recuperating from a serious illness or injury and temporarily unable to perform the assigned duties may voluntarily submit a written request to the installation head for temporary assignment to a light duty or other assignment. The request shall be supported by a medical statement from a licensed physician or by a written statement from a licensed chiropractor.

**Is an employee restricted from bidding while on light or limited duty?**

An employee who is temporarily disabled will be allowed to bid for and be awarded a preferred bid assignment provided that the employee will be able to fully assume the position within six months from the time at which the bid is submitted. Management may, at the time of submission of the bid or at any time thereafter, request that the employee provide medical certification indicating that the employee will be able to fully perform the duties of the bid for position within six months of the bid.

**Can management deny light or limited duty employees to work the holiday if their limitations do not restrict them from doing the duties?**

No. If they are qualified management must use them in the holiday rotation.

**Are employees required to sign the safety meeting forms or log in sheets to show that they were present at the meeting?**

No. Management may keep their own records of who was in attendance.

**Can management require an employee to sign his 3971 prior to clocking on from his absence on sick leave?**

No. The agreement states that upon return to work, while on the clock, the employee must sign and complete the required sections of the 3971.

**If I have annual leave before and/or after my non-scheduled days, am I available for overtime on my non-scheduled days?**

Yes. Only if you have submitted in writing that you wish to be considered.

So, as you can see, management can do whatever they want if we sleep on our rights. Management is not helping you when they violate your rights. They are not helping you when they are doing clerk work. It's up to us to standup and fight for what is right. I'm in, how about you?

I want to wish you and your family a Merry Christmas and a Happy New Years. We are very fortunate as postal employees and I encourage you to share some of your good fortune with those less fortunate during the Holiday Season.

**TO DO OR NOT TO DO?.....THAT IS THE QUESTION  
From the Desk of: Sonia Canchola**

So, you are a steward now. You met on your Step 1 grievance on management violating Article 1.6 of the CBA by performing bargaining unit work. Management denied your grievance that same day. Three days later you process and appeal your Step 2 grievance. Management schedules the step 2 meeting within the 7 days as they are required. You meet with the step 2 designee. You show him the 4

witness statements where the Postmaster was observed working inside the cage for 4 hours from 2pm to 6pm straight clearing carriers from their accountable mail. These statements were provided by window clerks who saw this violation themselves. During the meeting you and the designee talk about everything going on in the office plus how the Dodgers should not have lost the World Series. 6 days later you get his decision. In this decision he mentions that the grievance is being denied. There were 3 sick calls in the office. The truck was late and we are understaffed and the carriers had to be checked in by someone and it just happened to be him. And lastly, he cites Article 3 of the CBA. The infamous "management has the right" to do whatever they want. What now?

What are you supposed to do after you receive management's decision letter? The CBA, Article 15.2.Step 2(g) states:

*"If the Union representative believes that the facts or contentions set forth in the decision are incomplete or inaccurate, such representative should, within ten (10) days of receipt of the Step 2 decision, transmit to the Employer's representative a written statement setting forth **corrections or additions** deemed necessary by the Union. Any such statement must be included in the file as part of the grievance record in the case. The filing of such corrections or additions shall not affect the time limits for appeal to Step 3 or arbitration."*

Why is this important? It's the last bite of the apple the Union has to argue our case. How can management make those contentions when that was not what the two of you discussed? During the portion of the Corrections or Additions is where you would mention that this is all new argument and that this was not discussed during the Step 2 meeting. You would go paragraph by paragraph and dispute what management is saying. Not just by word but by facts. You should challenge the fact that sick calls, late trucks and understaffed office is not an emergency. It is understood that an emergency is defined as:

*"an unforeseen circumstance or a combination of circumstances which calls for immediate action in a situation which is not expected to be of a recurring nature."*

Therefore, a late truck, sick calls and understaffing would not fall in the purview of emergency.

You should continue and re-iterate the information you exchanged with him/her during the step 2 meeting such as the witness statements. Furthermore, you reiterate the only 5 exceptions where management can perform bargaining unit work and none of these meets any of those exceptions.

A grievance is NEVER a slam dunk! But the more information in the file and taking that last bite of the apple to prove managements contentions are inaccurate or incomplete by submitting Corrections and Additions in your appeal will assist us put the puzzle together and help us reach a favorable decision in your favor.

### **Open Your Eyes and Mind to the Things Going on Around You.... Or Step outside of Your Comfortable Bubble!**

**From the Desk of: Shirley Taylor**

I am concerned that so many locals are unable to convene local membership meetings due to a lack of a quorum. Local unions normally set the number of members who must be present in order to conduct a membership meeting and that number is usually very low. Membership meetings are held for the purpose of setting the agenda for the local and finding out what is happening on the workplace as well as determining strategy on how to combat actions taken by the Employer which violate the rights and well-being of the bargaining unit.

In addition to not involving ourselves in the workings of our union, going to meetings, writing statements, reporting cross craft and supervisor's doing bargaining unit work; we do not answer the call to action when our national union leaders call for united action on the workroom floor to let the Employer know that they are not intimidated by their "slash and burn approach" of running (ruining) the Postal Service, or ignoring the call from President Dimondstein, Vice President Szeredy and Secretary-Treasurer Powell to participate in outreach to our communities to alert them to the unrestrained and

unnecessary deterioration of service to a deserving public due to a manufactured crisis which could be easily fixed by the Congress

Our members must understand that as President Dimondstein has stated: " We have the power because we do the work, create the wealth and provide the needed services, and there are more of us than them." Our members must understand that they MUST be and are the most vital part of the fight against the reduction in service and jobs being forced upon the American public and the worthy workforce of the USPS.

As Vice President Szeredy has said: "Positive change comes through solidarity- with our friends and allies standing up and fighting for a vibrant Postal Service. Arguing our disputes in the grievance arbitration procedure, courts, National Labor Relations Board (NLRB), etc., is important, but does not compare with joining hands and moving into the public square."

Step up and become one of the "floor leaders" who Secretary-Treasurer Elizabeth "Liz" Powell identifies as persons other workers go to for information. Strive to become knowledgeable about what goes on in your workplace and commit to get that information to your local leaders. Liz says there are members who do not wish to hold office but who can be the "telegraphers" who can be relied upon to spread the word to our membership on union activities. Commit to unify the membership on the work room floor so members do not feel isolated and so that they will know that the union (both the National and the Local) has their backs.

Do not forget about COPA (The APWU's political action committee). Legislative Director Judy Beard has asked that we pay attention to how Congress continues attacking postal workers. We must stay alert (Stay Woke!) and be prepared to fight for ourselves. We must vote for those who support the workers of the USPS as well as for those who support those less fortunate than us. We must vote for those political leaders who stand for lifting up the middle class and we must vote against those who do not believe that working people deserve good wages, good health care, and decent working conditions. Let us give to COPA in amounts that will get Judy in the door so she can talk to Congress about the needs of postal workers. Consider signing up for a payroll deduction of least \$5.00 a pay

period. This is just one more way to fight for your rights and it will be worth your while.

I thank you for joining in the fight for a decent living by being a member of the best union in the world...The American Postal Workers Union, AFL-CIO.

## HAPPY HOLIDAYS!!

FROM THE:

**SAN FRANCISCO REGION, CLERK DIVISION  
NATIONAL BUSINESS AGENTS  
AMERICAN POSTAL WORKERS UNION, AFL-CIO**

