

Steward certification, Part II

This article should be read in conjunction with the April Contract Talk article.

Article 17, Section 1 of the National Agreement states: “Stewards may be designated for the purpose of investigating, presenting and adjusting grievances.” The 2009 *JCAM* at page 17-1 addresses the designation of stewards:

Contractual Authorization for Stewards. Although shop stewards are union representatives and NALC officials chosen according to NALC rules, stewards are also given important rights and responsibilities by the National Labor Relations Act (NLRA)....

When management challenges the *selection* of an NALC representative under Article 17.2 of the contract, it is important to remember to cite Article 17.1 and the *JCAM*, as well as the appropriate provisions in Article 17.2.

Pre-Arbitration: H94N-4H-C 96084996 (M-1267) settled the issue of whether a full-time union official may be certified under Article 17.2.B. The settlement states:

The issue in these grievances is whether a full-time union official who is on the employer’s rolls is ‘actively employed’ for the purposes of Article 17.2.B.

During that discussion, it was agreed to resolve the interpretive issue with an understanding that full-time union officers on the employer’s rolls are considered ‘actively employed’ for the purposes of Article 17.2.B.

When a local branch president certifies a union officer to act as a steward in an installation that is different from the one in which they are employed, the certification falls under Article 17.2.D. Although Article 17.2.D provides all the rights of a shop steward, the designated individual would not be compensated by the Postal Service.

In offices with 20 or fewer total craft employees which have no stewards certified under 17.2, the union may certify a representative to handle grievances at both Informal and Formal Step A. Article 17.2.C states:

To provide steward service to installations with twenty or less craft employees where the Union has not certified a steward, a Union representative certified to the Employer in writing and compensated by the Union may perform the duties of a steward.

In offices with greater than 20 craft employees which

have no stewards certified under 17.2, the union may certify a representative to handle grievances at Informal and Formal Step A, pursuant to either 17.2.B or 17.2.D.

The union has the right via Article 17.2.D and the NLRA to designate a person not on the employer’s payroll to serve as steward. “Not on the employer’s payroll” can mean, for example, an employee employed at a different installation, or a retired employee.

National Pre-Arbitration Award E8N-2E-C-12054 (M-00233) addresses Article 17, Section 2.D of the National Agreement. The interpretive issue in this case was whether a union member employed at a post office could be designated as a union representative at another post office under the provisions of Article 17.2.D. The resolution states:

In full settlement of the interpretive dispute presented in this case, the parties mutually agree to the following:

1. A Union member actively employed in a post office may be designated as a Union representative to process a grievance at another post office.
2. Such employee must be certified in writing, to the Employer at the regional level.
3. An employee so certified will not be on the Employer’s official time and will be compensated by the Union.
4. An employee so certified will act in lieu of the steward designated under Article 17, Section 2.A and 2.B at the facility where the grievance was initiated.

Step Four No. H4C-1M-C 2986 (M-00798) addresses Article 17.2.D when a former employee, certified as a shop steward, is denied access to the post office. The parties determined to resolve the case as follows:

The individual named in this grievance will be allowed to enter the facility to perform the functions of a steward or chief steward in accordance with the provisions of Article 17.2.D.

The *JCAM* at 17-3 explains Article 17, Section 2.D:

Representatives certified by the union pursuant to Article 17.2.D may be anyone who is not on the employer’s official time. This would include, for example, employees from another installation (H8N-2B-C 12054, M-00233) and former employees (H4C-1M-C 2986, M-00798). ☒