



UNITED STATES POSTAL SERVICE
 ROOM 9014
 475 L'ENFANT PLAZA SW
 WASHINGTON DC 20260-4100
 TEL (202) 268-3816
 FAX (202) 268-3074

M-00984

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CONTRACT ADMINISTRATION DIV
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CONTRACT ADMINISTRATION DIV
 N.A.C. WASHINGTON, D.C.

OFFICE OF THE
 ASSISTANT POSTMASTER GENERAL
 LABOR RELATIONS DEPARTMENT

Mr. Vincent R. Sombrotto
 President
 National Association of Letter
 Carriers, AFL-CIO
 100 Indiana Avenue, N.W.
 Washington, DC 20001-2197

Re: H7N-3C-C 28958
 Class Action
 Memphis, TN 38101

Dear Mr. Sombrotto:

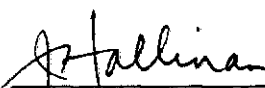
Recently, a meeting was held with the NALC Director of City Delivery, Brian Farris, to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.


The issue in this grievance is whether random drug screening is permissible on a voluntary basis as part of a structured EAP Program. By letter dated March 9, 1990, local management proposed to implement such a process for EAP participants who were not involved in a last-chance agreement and agreed to submit to random drug screening as a deterrent to using drugs and/or alcohol.

The parties at this level have previously agreed that across-the-board drug testing and/or random drug testing of present employees is prohibited under any circumstances. However, on a case-by-case basis, during fitness for duty examinations, drug tests may be administered, depending on the specific reasons for the examination as stated by the referring official and/or in the judgment of the examining medical official. It is the understanding of the parties that no such drug screening was conducted and the letter of March 9, 1990 was never implemented or enforced. The parties consider the issue to be moot and agree that the facts in this case have no bearing on last-chance agreements. Accordingly, said letter shall be rescinded and this grievance is resolved.

Time limits were extended by mutual consent.

Sincerely,


 John Hallinan
 Grievance and Arbitration
 Division


 Vincent R. Sombrotto
 President
 National Association of
 Letter Carriers, AFL-CIO

Date: 12/12/90



OFFICIAL OLYMPIC SPONSOR



National Association of Letter Carriers (AFL-CIO)

APPEAL TO STEP 4

M-00984

DATE July 16, 1990

TO: ASSISTANT POSTMASTER GENERAL
LABOR RELATIONS DEPT.
UNITED STATES POSTAL SERVICE
WASHINGTON, D.C. 20260-4100

FROM NATIONAL BUSINESS AGENT
Ben Johnson
BNA Corporate Center
Building 200, Suite 311
Nashville, TN 37217

CARRIER	REGIONAL NO	GRIEVANT (OR CLASS)	POST OFFICE
C	S7N-3C-C 28958	Class Action	Memphis, TN

DEAR SIR: SINCE NALC USPS BELIEVE(S) THIS CASE INVOLVES AN INTERPRETIVE ISSUE UNDER THE NATIONAL AGREEMENT (OR SOME SUPPLEMENT THERETO OF GENERAL APPLICATION), I AM APPEALING THE ABOVE-CAPTIONED CASE TO STEP 4 OF THE GRIEVANCE PROCEDURE, PURSUANT TO ARTICLE XV, SECTION 2, OF THE NATIONAL AGREEMENT.

DATE STEP 3 DENIAL RECEIVED: July 09, 1990

STEP 3 DECISION RENDERED BY: James W. Bledsoe

VIOLATION INCLUDING BUT NOT LIMITED TO: Article 19

CORRECTIVE ACTION REQUESTED: Rescind letter dated 3-9-90. Cease random drug testing. Make whole any employee that suffers due to this unilateral action. Whatever arbitrator deems appropriate.

DESIGNATED NALC REPRESENTATIVE AT STEP 4: Contract Administration Unit
National Association of Letter Carriers
100 Indiana Avenue, NW
Washington, DC 20001

SINCERELY YOURS

Ben Johnson
NATIONAL BUSINESS AGENT

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JUL 19 1990

CONTRACT ADMINISTRATION UNIT
N.A.L.C. WASHINGTON, D.C.

CC: REGIONAL DIRECTOR FOR ELR
NATIONAL OFFICER, NALC
BRANCH PRESIDENT, NALC



UNITED STATES POSTAL SERVICE
Southern Regional Office
Memphis, TN 38166-0979

July 5, 1990

Mr. Ben Johnson	Southern Region Grievance
National Business Agent	Appeal No. S7N-3C-C 28958
National Association of Letter Carriers, AFL-CIO	Dated: 06/07/90
	Local No. 60-90-B

Subject: Step 3 Grievance Decision: CLASS ACTION
Provision Allegedly Violated: Memphis, TN
19-00-01

Dear Mr. Johnson:

This is to confirm the disposition of the subject Step 3 grievance appeal which was recently discussed with your representative, Mr. Collier James.

Based on information presented and contained in the grievance file, the grievance is denied. The manner in which the Employee Assistance Program is being administered in this office does not present a contractual violation. As indicated in the Step 2 decision, drug screening of Employee Assistance Program participants is on a voluntary basis.

The time limit for processing at Step 3 was extended by mutual consent.

In our judgement, the grievance does not involve any interpretive issue(s) pertaining to the National Agreement or any supplement thereto which may be of general application. Unless the union believes otherwise, the case may be appealed directly to regional arbitration in accordance with the provisions of Article 15 of the National Agreement.

James W. Bledsoe
James W. Bledsoe
Labor Relations

cc: FDGM/PM Memphis, TN
SCM/PM
Postmaster
2

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JUL - 9 1990

N. A. L. C.



National Association of Letter Carriers (AFL-CIO)

M-00984

GRIEVANCE
APPEAL TO

3

DATE: June 5, 1990

TO: REGIONAL DIRECTOR, EMPLOYEE AND LABOR RELATIONS
UNITED STATES POSTAL SERVICE
1407 Union Ave.
Memphis, TN 38166-0200

FROM: BRANCH PRESIDENT
George L. Gossett, President
N.A.L.C. Branch #27
3929 Whitebrook Drive
Building G Suite 210
Memphis, TN 38118-3726

BRANCH GR.#	GRIEVANT'S NAME	GRIEVANT'S S.S.#	JOB CLASSIFICATION	STATION
60-90-B	Class Action	N/A	Letter Carriers	Holiday City Station

PURSUANT TO ARTICLE XV, SECTION 2 OF THE NATIONAL AGREEMENT, WE HEREBY APPEAL TO STEP 3 THE DECISION AT STEP 2 OF THE POSTMASTER OR DESIGNEE R. Dean Buchanan, DGM/Postmaster OF THE Memphis Post Office INSTALLATION, RENDERED ON 4-18-90 AND RECEIVED ON 5-23-90

ATTACHMENTS (CHECK): STANDARD GRIEVANCE FORM STEP 2 DECISION UNION CORRECTIONS OR ADDITIONS TO STEP 2 DECISION (IF FILED)

THE FOLLOWING INFORMATION WILL HOPEFULLY ASSIST THE PARTIES IN QUICKLY RESOLVING THIS PROBLEM. TO DISCUSS THIS GRIEVANCE FURTHER, KINDLY CONTACT OUR NATIONAL BUSINESS AGENT Ben Johnson, N.B.A. AT (ADDRESS) 404 BNA Corporate Center Bldg. 200 Suite 311 Nashville, TN 37217 OR BY PHONE (615) 366-1952

VIOLATION: INCLUDING BUT NOT LIMITED TO NATIONAL (ART. & SECT.) 5, 15, 19 LOCAL (ART & SECT.) _____ OTHER GROUNDS: ELM 870, 871.12, 871.31, 871.32, 874.41, 874.42

REASONS FOR APPEAL: The letter concerning drug screening, dated March 9, 1990 is in conflict and inconsistent with the National Agreement and the ELM. The letter is a unilateral action on the part of the Postal Service and is an ongoing violation. The policy violates the required confidentiality of the EAP Program. It will also serve to discourage employees from seeking help through EAP because of the erosion of confidentiality and for fear of discipline when supervisor is notified. The Union contends this action violates the National policy on drug testing. This action is an attempt to circumvent that policy by instituting a policy through EAP.

CORRECTIVE ACTION REQUESTED: Rescind letter dated 3-9-90. Cease random drug testing. Make whole any employee that suffers due to this unilateral action. Whatever arbitrator deems appropriate.

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MEMPHIS REGION

JUN 15 1990

N. A. L. C.

cc: NATIONAL BUSINESS AGENT, NALC
POSTMASTER

George L. Gossett
BRANCH PRESIDENT/DESIGNEE

George L. Gossett
SIGNATURE



UNITED STATES POSTAL SERVICE
MEMPHIS DIVISION
555 SOUTH THIRD STREET
MEMPHIS, TENNESSEE 38101-9998

May 22, 1990

Mr. Larry B. Jackson
Vice President, Branch No. 27
National Assoc. of Letter Carriers, AFL-CIO
3929 Whitebrook Dr., Bldg. G, Suite 210
Memphis, TN 38118-3726

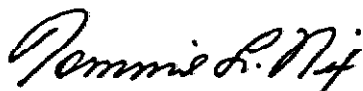
Step 2 Grievance Appeal
Article 19, Class Action
NALC # 60-90-8
USPS # LC-18-90-484-C

Dear Mr. Jackson:

We discussed the above captioned grievance at Step 2 of the Grievance Arbitration procedure on May 8, 1990. Based on information contained in the grievance file and your Step 2 presentation it is my decision to deny the grievance.

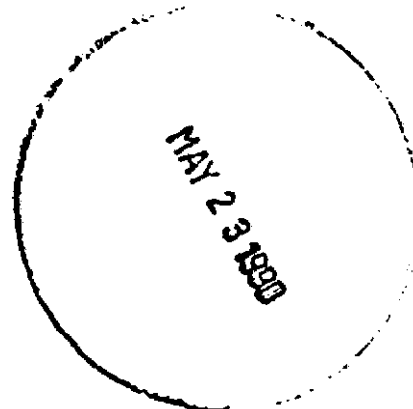
You contend the EAP Drug Screening violates the National Agreement and the Employee and Labor Relations Manual. I find no violation of the National Agreement or any of the ELM provisions listed in your written Step 2 grievance. The EAP Drug Screening letter of March 9, 1990 states, "The EAP is a voluntary program, and the structured program I am proposing with the random drug screens is only for active participants of the program who voluntarily agree to accept it. (Underscoring Added)

I find no violation of the National Agreement or Chapter 8 of the ELM in having voluntary drug screening in the EAP program.



Tommie L. Nix
Labor Relations Representative

cc: DCO
AMS
Mgr. 38118
EAP Supervisor

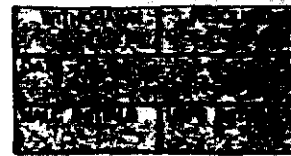




National Association of Letter Carriers (AFL-CIO)

Pursuant to Article XV, Section 2, this form must be used to appeal a grievance to Step 2.

M-00984



STANDARD GRIEVANCE FORM

DATE 4-18-90		BRANCH GRIEV NO 60-90-B	USPS NO
TO: U.S.P.S. STEP 2 DESIGNEE (NAME & TITLE) R. Dean Buchanan, DGM/Postmaster		INSTALLATION Main Post Office Memphis, TN 38101	PHONE—OFFICE 521-2315
FROM: BRANCH NO 27	BUSINESS ADDRESS 3929 Whitebrook Drive Building G Suite 210 Memphis, TN 38118-3726		
STEP 2 AUTHORIZED UNION REP George L. Gossett, President		PHONE—OFFICE 362-6630	PHONE—OTHER 362-3092
STEP 1 MEETING: HELD ON (DATE/TIME) 4-17-90	BETWEEN U.S.P.S. REPRESENTATIVE S.E. Jones	AND GRIEVANT	STEWARD T.W. Bailey
GRIEVANT'S NAME (OR CLASS) Class Action			PHONE 362-3939
HOME ADDRESS 3715 Winchester Rd.		CITY Memphis	STATE TN
		ZIP 38118-9998	
JOB CLASSIFICATION Letter Carriers	CRAFT SENIORITY DATE N/A	USPS SENIORITY DATE N/A	DUTY HOURS 7:00am-3:30pm
STATION OR BRANCH Holiday City Post Office	SOCIAL SECURITY NO N/A		VETERAN <input type="checkbox"/> YES <input type="checkbox"/> NO
OFF DAYS: ROTATING <input type="checkbox"/> FIXED—CHECK AS APPLICABLE	SA <input type="checkbox"/> SU <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> TH <input type="checkbox"/> F <input type="checkbox"/>	LEVEL	STEP
STEP 1: RENDERED ON (DATE/TIME) DECISION 4-17-90		BY (NAME & TITLE) S. E. Jones, MSO	
		SUPERVISOR'S INITIALS (UPON REQUEST)	

PURSUANT TO ARTICLE XV OF THE NATIONAL AGREEMENT, WE HEREBY APPEAL TO STEP 2. THE FOLLOWING GRIEVANCE VIOLATION: INCLUDING BUT NOT LIMITED TO NATIONAL (ART. & SECT.) 3,15,19 LOCAL (ART. & SECT.)

OTHER GROUNDS: KLM 870,871.12,871.31,871.32,874.41,874.42.

FACTS: WHAT HAPPENED The letter concerning drug screening, dated March 9, 1990 is in conflict and inconsistent with the National Agreement and the ELM. The letter is a unilateral action on the part of the Postal Service and is an ongoing violation. The policy will violate the required confidentiality of the EAP Program. It will also serve to discourage employees from seeking help through EAP because of the erosion of confidentiality and for fear of discipline when supervisor is notified.

ADDITIONAL SHEET ATTACHED

UNION CONTENTIONS: REASONS FOR GRIEVANCE The Union contends this action violates the National policy on drug testing. This action is an attempt to circumvent that policy by instituting a policy through EAP.

CORRECTIVE ACTION REQUESTED: Rescind letter dated 3-9-90. Cease random drug testing. Make whole any employee that suffers due to this unilateral action. Whatever arbitrators deems appropriate.

ADDITIONAL SHEET ATTACHED

J.A. Barnett II (for) George L. Gossett
BRANCH PRESIDENT/DESIGNEE

SIGNATURE J.A. Barnett II

UNITED STATES POSTAL SERVICE

Memphis, TN 38101-9998

DATE: March 9, 1990
 OUR REF: SN008:HR:AYates:gvp:0908L:38101-9441
 SUBJECT: Proposal for EAP Drug Screening

TO: R. Dean Buchanan
 Field Division General Manager/Postmaster

THROUGH

Walter E. Flanagan
 Field Director, Human Resources

OK
R.D. Buchanan
3-16-90

WEF

This supersedes my request on this subject dated December 16, 1988.

The following is a proposal seeking permission to allow random drug screening to become a part of the EAP structured program assigned to all employees chemically addicted and who agree to participate in the EAP program for one year.

It has been brought to the attention of the EAP counselor that the present structured EAP program is not effective when assigned to clients attempting to recover from substance abuse brought on by what we in the field of alcohol and drug abuse call dual addiction, i.e., addiction to two drugs, cocaine and alcohol, or vice versa, alcohol and cocaine, sometimes used simultaneously.

I realized after talking with EAP providers of large companies in the Memphis area who have random drug screens in their EAP programs their relapse numbers are not nearly as high as those in the Postal Service's EAP program. In addition, after talking with a number of ex-EAP clients as well as active ones, I was surprised to learn they all agreed that random drug screens should be included in the structured program--that "it would be a very good deterrent not to do any kind of drug, provided there were heavy penalties to pay."

I am requesting that random drug screening be made a part of the active client structured program agreement.

In addition, I am proposing that once an employee voluntarily agrees to a structured program and is not on a Last-Chance Agreement and he/she is checked positive twice for drugs, he/she will be dropped from the program and the immediate supervisor notified. The first time a client is screened positive, his/her structured EAP program will be re-evaluated and made more intense. The employee will not be permitted to return to duty until medical certification is presented clearing the employee to return to duty.

The EAP is a voluntary program, and the structured program I am proposing with the random drug screens, is only for active participants of the program who voluntarily agree to accept it.

This proposal for drug screening would have no bearings whatsoever on Last-Chance Agreements with Labor Relations. The requirements and stipulations of Last-Chance Agreements with Labor Relations are completely separate from the EAP voluntary program for random drug screens, except where specifically designated in the Labor Relations' Last-Chance Agreements.



Andrew N. Yates
Employee Assistance Program Supervisor
Memphis Division