

The Dispute Resolution Process



**Timothy C.
O'Malley**

At **Informal Step A**, an employee or the union have only 14 days from the date on which the employee or the union first learned or may reasonably have been expected to have learned of a potential violation. Too many times, the grievance is not moved in a timely fashion. While extensions are allowed, they should be the exception to the rule. We need to move the grievances through the system within the prescribed timelines. Below is the timeline for the process, beginning with the branch level. Please note that in all circumstances, the NALC is responsible for moving the grievance to the next level.

Informal Step A meeting—The employee or steward and immedi-

ate supervisor meet within 14 days of occurrence. **Maximum days: 14.**

If there is no resolution, the NALC may appeal the grievance to Formal Step A by sending the Joint Step A Form (PS 8190), along with all supporting documentation available at the time, to the installation head, postmaster or designee within seven days. **Maximum days: 21.**

Formal Step A meeting—The branch president and postmaster, or their designees, meet within seven days of receipt of Joint Form (PS 8190) and make the Formal Step A decision on the same day. **Maximum days: 28.**

If there is no resolution, NALC may appeal the grievance to Step B within seven days. **Maximum days: 35.**

Step B meeting—The Dispute Resolution Team will make the Step B decision within 14 days of receipt of the appeal. **Maximum days: 49.**

If there is an impasse, the national business agent may appeal the grievance to arbitration within 14 days. **Maximum days: 63.**

Headquarters level

There are three pieces of the process that are handled at the headquarters (HQ) level: the Step B review, requests for intervention and the process itself. Let's start with how the review process works.

The parties at HQ have agreed informally that a B Team decision can be revisited. However, the decision must be considered "in conflict or inconsistent" with the National Agreement.

If someone feels that the B Team made an error in a decision or is unhappy with a decision, and that decision is contractual,

the case cannot be reviewed. The decision can be elevated only if it is in conflict, or inconsistent, with the National Agreement.

If it is believed that the decision meets the requirements of being in conflict or inconsistent, it can then be raised from the branch level to the national business agent (NBA). The branch president needs to provide a detailed outline as to why it is believed that the decision is in conflict, or inconsistent, with the National Agreement, along with the grievance file.

The NBA will review the grievance file and determine whether he or she agrees that the decision is in conflict or inconsistent. If the NBA does not agree, he or she will call or write to the branch president and provide an explanation. If the NBA agrees that the case meets the requirement for a review, he or she will contact the USPS counterpart at the area level to discuss the decision. The NBA and area rep will determine whether they agree that the decision is properly before them. They will then make a decision, which may include changing the decision, forwarding the issue to HQ for review, or advising the local parties that the case does not meet the criteria for a review.

B Teams

The B Teams have a very hard job, as it is not a simple task to resolve disputes between the parties. The Dispute Resolution Process is a fair means of achieving a solution to a problem in a timely fashion. The National Agreement, the DRP and the many memoranda of understanding are specifically geared to protect our members from the issues that arise in the workplace.

Oversight of the process

The NBAs and AMLR are responsible for overseeing and monitoring their B Teams, districts and work units in their areas. When they are unable to resolve things locally, or have questions, they raise the issue to Headquarters. The parties there then discuss and attempt to remedy the problems.

In addition, the parties at HQ oversee and monitor what is happening in the field. Discussions are ongoing to improve the process and to provide assistance where needed.

Intervention

Intervention is a result of failures from within the process at one level or another. There are seven indicators that identify issues that could trigger an intervention. When the data reflect that one of the indicators is present, the NBA, AMLR or their designees are responsible for determining the cause, and they jointly work to respond to the issue(s) prompting the intervention. The indicators are: a steady increase in grievance activity, grievance processing delays, reoccurring grievances, Step A files not properly prepared, Step B resolution rate below 80 percent, Step B decisions not educational and arbitration cases not scheduled within 120 days of impasse.