

# Understanding the grievance procedure



The voting for the ratification of the 2019-2023 National Agreement was ongoing as this issue of *The Postal Record* was being prepared. Look for the results of the balloting to be included in the April edition.

**T**he new National Agreement between NALC and USPS, pending ratification by the membership this month, sets the terms and conditions that the parties have agreed will govern the workplace for city carriers through May 20, 2023. This tentative contract includes many new or increased rights and benefits, while continuing many existing provisions that city carriers currently enjoy.

Despite the agreement between NALC and USPS, occasionally these rights and benefits become the subject of dispute between NALC members and postal management.

“To best enforce these rights, all letter carriers, including city carrier assistants, should understand the grievance procedure and how it works,” NALC President Fredric Rolando said.

Article 15 of the contract lays out the grievance-arbitration 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.

The grievance procedure starts with your shop steward. Shop stewards are the foot soldiers in NALC’s efforts to enforce the National Agreement. Stewards are letter carriers with special training and knowledge of the contract. Whenever management fails to provide a letter carrier with what he or she is entitled to under the National Agreement, the steward is the first to handle the problem. Talk to your steward if you have an issue, no matter how large or small.

Sometimes 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.”

All letter carriers have rights under the National Agreement, and all letter carriers should ask a steward to enforce those rights if they have been violated or denied.

If other attempts to resolve a dispute or correct a contract violation fail, the steward may decide that a grievance is necessary. A grievance is a dispute, difference, disagreement or complaint between the parties related to wages, hours or working conditions of letter carriers. The process gives all letter carriers the opportunity to have their voices heard when management violates letter carrier rights under the National Agreement.

The National Agreement requires that grievances be filed within 14 days of when the contract violation took place, so be sure to talk to your steward as soon as possible after you become aware of a problem. In each grievance, the union asks for a remedy. The remedy request should accomplish a few goals. It should require management to stop violating the contract. It sometimes requires a monetary award to compensate the letter carrier if he or she suffered a loss in pay or some other loss because of the contract violation. It is important to give your shop steward all of the information about

the issue so he or she can request the appropriate remedy.

There are four possible steps to the grievance process, starting 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 immediately 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 Formal 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 the information, along with all relevant documentation, to one of the full-time dispute resolution teams (DRTs). These DRTs operate all over the country under the guidelines contained in the Memorandum of Understanding Re: Article 15 - Dispute Resolution Process incorporated into the National Agreement. 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 on a resolution and instead reaches an impasse, the NALC national business agent (NBA) for the region may appeal the grievance to arbitration. Once an NBA

appeals the grievance, an arbitration hearing is held during which the union and management present evidence and testimony to a neutral arbitrator. The neutral arbitrator then issues a final and binding written decision on the grievance.

"The list of contract violations we have reversed, or prevented, through the grievance process could fill libraries," Rolando said. "Shop stewards stand up for letter carriers day in and day out by enforcing the contract on the workroom floor. Their work turns a contract written on paper into an enforcement mechanism that protects our rights and makes our jobs better and safer."

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

After ratification of the tentative agreement, should members so vote, NALC and USPS will work to revise the *JCAM* to reflect the changes in the 2019 National Agreement. Once updated, the new *JCAM* will be made available to all NALC members on the NALC website. A printed copy will be provided to each office and station throughout the country, and also will be made available through the NALC Supply Department. In the interim, shop stewards and branch officers should continue using the 2014 version of the *JCAM* to assist in resolving contractual disputes.

"The NALC process has proven to be one of the best dispute resolution

processes among postal unions, or even among unions in other industries," Rolando said, adding, "Our grievances are settled relatively quickly and fairly because everything is disclosed up front.

"The process is designed to use the facts to find out what happened, and to use the contract to determine if a violation has taken place and what is needed to remedy the violation," he continued. "It encourages confronting the problem head-on and preventing it from happening again in the future."

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 the information you have and whatever else they need to build a solid case," President 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. **PR**