

Article 15: Keeping control of the process



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Keeping control of Article 15 is important for understanding how the overall grievance-arbitration process functions best for our members. For that to happen, the grievance time frames need to be adhered to. The union must appeal the issues for the cases to be heard in a timely fashion. What seems to be a growing issue is that we are sometimes falling behind when it comes to moving grievances through the system. Below are the time frames established in the National Agreement.

- There should be an **Informal Step A** discussion within **14 calendar days** of when the grievant or the union first learned, or may reason-

ably have been expected to have learned, of its cause.

- If there is **no resolution**, NALC may initiate a Formal A meeting by sending Joint Step A Form 8190 to the postmaster or designee **within seven days** of the date of the discussion.
- **Formal Step A** includes meeting with the steward or a union representative as expeditiously as possible, but no later than **seven days** following receipt of the Joint Step A Grievance Form.
- NALC may **appeal to Step B** if there is no resolution **within seven calendar days** of the Formal Step A decision.
- There will be a DRT **Step B review** of the appeal, and a joint report of the decision will be issued **within 14 days** (unless the parties mutually agree to extend).
- If **impassed at Step B**, NALC may appeal to arbitration **within 14 days** of the decision.

Coupled with the timeliness issue is the granting of extensions by either party, sometimes repeatedly for the wrong reasons. These issues are causing problems in a number of ways. The cases are not being moved through the process as stipulated by the parties in the National Agreement. The result is that the membership is suffering by not getting timely decisions. We need to focus on this to prevent it from happening.

Let's talk a little about extensions. It is one thing to agree to an extension due to someone not being available for the meeting or hearing on a given day. However, it is not a good practice to agree to postpone a meet-

ing or hearing just to delay the process. For example, the mail is heavy, or too much overtime is being used. Too often, this is the case. Management is required by the contract to provide the time necessary to you to process a case. The signing of an extension should include the case issue along with the reason why the parties are agreeing to extend the time limits for a specific period of time. In some instances, we have seen extensions for an unlimited time frame. This should not be done. It defeats the purpose of the DRP time frames for each step of the process.

I know that part of the problem involves managers saying they can't allow the meeting or hearing, but that is unacceptable when it happens more than once. You need to be documenting in writing your specific request. Be specific as to why you need the time (e.g., "Time needed to meet with grievant John Jones concerning a letter of warning issued on 6/1/2012 allegedly for a safety violation"). Put your request in writing and in duplicate. This is important because it is your documented proof that a request was made. Get the supervisor to initial and date it as received. The supervisor will then have to make a decision of either approval or disapproval for the requested time. Be sure to maintain your copy for the grievance file, as this could be an important factor down the road if the case goes to arbitration.

If you have another case, let's say the next day, the request would include both the information for the first and second case. This way, management knows that you have requested the time needed for both. This same process would continue each day until you receive the time. If denials continue, seek advice from your branch officers—and they should advise the national business agent if this is a continual problem.

What we need to do is to apply the contract. If this is done, then the grievance process will work as intended and the members will be served.

As I close out my article for this month, remember that it is Open Season for the NALC Health Benefit Plan. Check out the NALC HBP insert in this month's *Postal Record*. President Rolando, Director of the Health Benefit Plan Brian Hellman and Trustees Larry Brown, Randall Keller and Mike Gill have done an outstanding job of keeping the premiums down while increasing benefits and options. Without a doubt, the NALC Health Benefit Plan has you covered.

Have a great Veterans Day and Thanksgiving.