



M 00164

UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260

MAY 15 1981

Mr. Halline Overby
Assistant Secretary-Treasurer
National Association of Letter Carriers, AFL-CIO
100 Indiana Avenue, NW
Washington, DC 20001

Re: NALC Branch
Green Bay, WI
H8N-4JC-22660

Dear Mr. Overby:

On April 2, 1981, we met with the NALC designee, Mr. Hughes, on the above-captioned case at the fourth step of the contractual grievance procedure set forth in the 1978 National Agreement.

In the instant case, Carrier Dexter was observed not crossing the lawns of 916, 926 and 936 S. Monroe Avenue, while effecting delivery of the mail. As a result of these observations, he was issued a warning letter for his failure to cross the lawns. When the Union steward began his investigation of the warning letter, he requested permission to interview the patrons at the above-cited address to determine their feelings regarding the crossing of their lawns by Carrier Dexter. This request was denied by management as being inappropriate under the terms of Article XVII, Section 3 of the National Agreement. Accordingly, the question to be addressed in this decision is whether management's action in this instance was appropriate under the terms of the National Agreement.

In addressing the issue raised, we directed our attention to a recent award by Arbitrator Aaron on Case Number N8-NA-0219, dated November 10, 1980. In this award Arbitrator Aaron found the following:

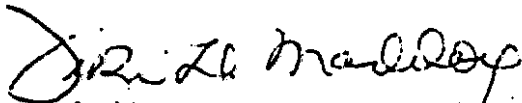
"The Postal Service may not deny requests for investigation pursuant to Article XVII(3) of the 1978-1981 National Agreement by Shop Stewards requesting to leave the work area to investigate grievances or to investigate specific problems to determine whether

to file a grievance and for access to documents, files, and other records necessary for processing the grievance or determining if a grievance exists; and for the right to interview grievants, supervisors and postal patron witnesses during working hours in connection with situations in which a letter carrier has made an initial determination in his judgment and in the exercise of his discretion that a particular customer would object to his lawn being crossed and where a supervisor has over-ridden that determination and issued an order that such lawn be crossed.

Such future requests in the precise circumstances set forth in the preceding paragraph must be honored by the Postal Service, as provided in Article XVII."

Because, in the instant case, management rejected the carrier's judgment in this regard, we must conclude that a violation of Article XVII, Section 3 has occurred. Accordingly, in full resolution of this grievance, the Union steward will be allowed official time to interview those specific patrons of the addresses cited in this grievance.

Sincerely,



Viki D. Maddox
Labor Relations Department