



UNITED STATES POSTAL SERVICE
Labor Relations Department
475 L'Enfant Plaza, SW
Washington, DC 20260-4100

Mr. Brian D. Farris
Director, City Delivery
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, N.W.
Washington, DC 20001-2197

AUG 2 1988

Re: E. Newsom
Oklahoma City, OK 73125
H4N-3T-C 25390

Dear Mr. Farris:

On April 21, 1988, we met to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The issue in this grievance is whether interest should be added to a back-pay award granted to the grievant, because of management's post-award delay in making the payment.

During our discussion, we mutually agreed that no national interpretive issue is fairly presented in this case. We further agreed that there is no contractual bar to an employee filing a grievance protesting unreasonable delay in implementing a back-pay award. Whether interest is an appropriate remedy in this case, may be determined by an examination of the particular fact circumstances.

Accordingly, we agreed to remand this case to the parties at Step 3 for further processing, including arbitration if necessary.

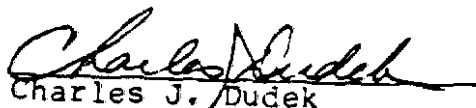
Please sign and return the enclosed copy of this letter as your acknowledgment of agreement to remand this case.

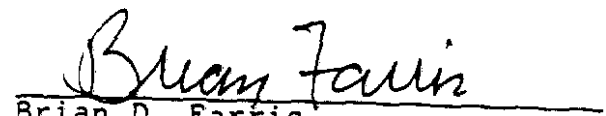
Mr. Brian D. Farris

2

Time limits were extended by mutual consent.

Sincerely,


Charles J. Dudek
Grievance & Arbitration
Division


Brian D. Farris
Director, City Delivery
National Association of Letter
Carriers, AFL-CIO



National Association of Letter Carriers (AFL-CIO)

M-00907

APPEAL TO STEP 4

DATE **October 7, 1986**

TO SENIOR ASSISTANT POSTMASTER GENERAL
EMPLOYEE AND LABOR RELATIONS
UNITED STATES POSTAL SERVICE
WASHINGTON D.C. 20260

FROM **NATIONAL BUSINESS AGENT**
Mr. Paul C. Davis
3 Innwood Circle, Suite 201
Little Rock, AR 72211

CARRIER	REGIONAL NO	GRIEVANT (OR CLASS)	POST OFFICE
J	S4N-3T-C-25390	E. Newsom	Oklahoma City, OK

DEAR SIR: SINCE FINAL USPS BELIEVES 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 4, SECTION 2 OF THE NATIONAL AGREEMENT.

DATE STEP 3 DENIAL RECEIVED **April 14, 1986**

STEP 3 DECISION RENDERED BY **Roland McPhail**

VIOLATION INCLUDING BUT NOT LIMITED TO **Articles 15 & 19**

CORRECTIVE ACTION REQUESTED **The grievant be paid interest at the rate of 18% on the amount of back pay, beginning on 5/25/85 and ending on 2/25/86.**

DESIGNATED NALC REPRESENTATIVE AT STEP 4 **Mr. Joseph H. Johnson, Jr.**

SINCERELY YOURS
Paul C. Davis
Paul C. Davis
NATIONAL BUSINESS AGENT

RECEIVED
OCT 14 1986
JOSEPH H. JOHNSON, JR.
DIRECTOR, CITY DELIVERY

CC REGIONAL DIRECTOR FOR ELP
NATIONAL OFFICER NALC
BRANCH PRESIDENT NALC

NATIONAL OFFICE COPY

Tony R. Huerta
Executive Vice President

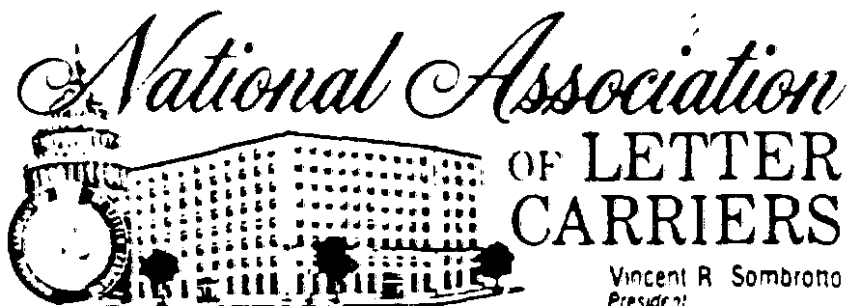
Francis J. Connors
Vice President

Richard P. O'Connell
Secretary/Treasurer

Halline Overby
Asst. Secretary/Treasurer

Joseph H. Johnson Jr.
Director of City Delivery

William M. Dunn Jr.
Director of Life Insurance



Vincent R. Sombroto
President

Robert J. Buntz
Director of Health Insurance

Anthony B. Morrell
Asst. Director of Health Insurance

Mark Roth
Director of Retired Members

BOARD OF TRUSTEES

George Davis, Jr.
James G. Souza, Jr.
James Worsham

PAUL C. DAVIS, NATIONAL BUSINESS AGENT

3 INNWOOD CIRCLE, SUITE 201 • TELEPHONE 501-224-9381
LITTLE ROCK, ARKANSAS 72211

October 7, 1986

Mr. Robert R. Templeton
Regional Manager of Labor Relations
U.S. Postal Service
Southern Regional Office
Memphis, TN 38166

Dear Sir:

Please allow me this means to notify you that I am withdrawing the following cases from arbitration and appealing each to Step 4:

E. Newsom
Oklahoma City, OK
S4N-3T-C-25390
Local #N-115-86

R. Phillips
Oklahoma City, OK
S4N-3T-C-28096
Local #N-143-86

This notice is in accordance with Article 15 Section 4-B-5 of the National Agreement.

With best wishes, I am

Sincerely,

Paul C. Davis

Paul C. Davis
National Business Agent, NALC

PD/co
opeiu #105

DATE April 15, 1986

TO REGIONAL DIRECTOR EMPLOYEE AND LABOR RELATIONS
UNITED STATES POSTAL SERVICE

FROM NATIONAL BUSINESS AGENT

Southern Region
Memphis, TN 38166

Mr. Paul C. Davis
3 Innwood Circle
Suite 201
Little Rock, AR 72211

REQUEST FOR ARBITRATION

APPEAL FROM STEP 3 DECISION

GRIEVANT

E. HOWSON

BRANCH

458, Oklahoma City, OK

REGIONAL
CASE NO.

84N-37-C-25390

NALC
CASE NO.

N-215-80

PENALTY
(DISCIPLINE ONLY)

CONTRACTUAL
VIOLATION NATIONAL ART 15.19 SEC _____

DECISION
RENDERER

Roland McPhail

DATE/STEP 3
DECISION

April 11, 1986

DATE/DECISION
RECEIVED

April 14, 1986

DEAR SIR

PLEASE BE ADVISED THAT PURSUANT TO ARTICLE XV, SECTIONS 2 AND 4 OF THE NATIONAL WORKING AGREEMENT, I HAVE AUTHORIZED AND HEREBY REQUEST CERTIFICATION OF THE ABOVE-CAPTIONED CASE DENIED AT STEP 3 IN REPLY. PLEASE REFER TO THE ABOVE-CAPTIONED CASE NUMBER

SINCERELY YOURS.

NATIONAL BUSINESS AGENT

CC POSTMASTER
BRANCH PRESIDENT NALC



UNITED STATES POSTAL SERVICE
Southern Region Office
Memphis, TN 38166-2000

RECEIVED
APR 14 1986
PAUL C. DAVIS
NATIONAL BUSINESS AGENT

April 11, 1986

Mr. Paul Davis
National Business Agent
National Association of
Letter Carriers, AFL-CIO

Southern Region Grievance
Appeal No. SAN-3T-C 25390
Dated 3/24/86
Local No. N-115-86

Subject: Step 3 Grievance Decision - E. Newsom
Provision Allegedly Violated Oklahoma City, OK
19-00-01

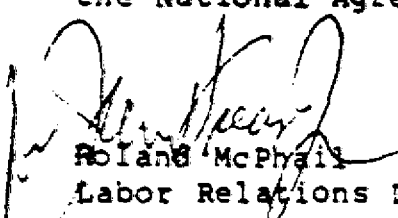
Dear Mr. Davis:

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

Based on information presented and contained in the grievance file, the grievance is denied. The grievant is not entitled to interest pay in this particular fact situation.

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

In our judgment, 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.


Roland McPhail
Labor Relations Division

cc: Postmaster, Oklahoma City, OK 73125-9998
Sectional Center Manager, Oklahoma City, OK



RECEIVED
MAR 24 1986

DATE March 20, 1986

GRIEVANCE
APPEAL TO **3**

TO REGIONAL DIRECTOR, EMPLOYEE AND LABOR RELATIONS DIVISION
UNITED STATES POSTAL SERVICE
Southern Region
Memphis, Tennessee 38166
PAUL C. DAVIS FROM BRANCH PRESIDENT
NATIONAL BUSINESS AGENT, Branch 458 N.A.L.C.,
1411 Classen Blvd., Suite 360

BRANCH GR #	GRIEVANT'S NAME	GRIEVANT'S SS #	JOB CLASSIFICATION	STATION
N-115-86	E. Newsom	[REDACTED]	L. 5 Carrier	Warr Acres

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 O. D. Curry, Designee OF THE Okla. City, Okla. INSTALLATION RENDERED ON 3-13-86 AND RECEIVED ON 3-17-86

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 Paul C. Davis
AT (ADDRESS): 3 Innwood Circle, Suite 201 OR BY PHONE 501-224-9381
Little Rock, Arkansas 72211

VIOLATION: INCLUDING BUT NOT LIMITED TO NATIONAL (ART & SECT) 2,3,5,9,15,19 LOCAL (ART & SECT) _____
OTHER GROUNDS _____

REASONS FOR APPEAL: See attached step 2 appeal.

CORRECTIVE ACTION REQUESTED: See attached step 2 appeal.


cc NATIONAL BUSINESS AGENT NALC
POSTMASTER

Beryl Jones
BRANCH PRESIDENT DESIGNEE
Beryl Jones
SIGNATURE

BERYL D. JONES
PRESIDENTDON LANDIS
VICE PRESIDENTMONTY MORTENSEN
HEALTH BENEFITSC. L. McCAGE
MEMBER BENEFITSPHIL WATTERS
M.B.A.-M.S.B.A.BOB BEARDEN
RECORDING SECRETARYLARRY WILSON
FINANCIAL SECRETARYJACK ELDRIDGE
TREASURERCLAUD NANCE
LEGISLATIVE OFFICER

Branch 458

National Association of Letter Carriers



CLASSEN TERRACE • 1411 CLASSEN BLVD. • SUITE 360
Oklahoma City, Oklahoma 73106
524-8506

March 20, 1986

Mrs. Barbara A. Weir, Postmaster
U. S. Postal Service
320 S. W. Fifth Street
Oklahoma City, Oklahoma 73125

Re: N-115-86
E. Newsom

Dear Mrs. Weir

This letter is to make additions and/or corrections to the above referenced step 2 decision dated March 13, 1986 and received March 17, 1986.

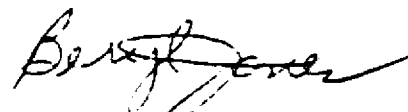
This grievance was not mutually resolved at step 2. The step 2 designee for management was told that Mr. Newsom should be, at the very least paid interest as requested because of the deliberate long delays.

The union was willing to resolve the problem of two deductions for health insurance, the back pay on overtime, not figured, and the recrediting of annual and sick leave charged while on administrative leave, but the issue of deliberate delays could only be resolved by the payment of interest.

In the step 2 decision and by their actions, management is apparently stating "We can unilaterally obtain, keep and use Mr. Newsom's money as long as we want to and any interest payment for our actions would be unjust enrichment".

The fact of the matter is, management received unjust enrichment, by deliberately withholding Mr. Newsom's money, which has the same force and effect as stealing his money. Such has become a standard operating procedure for the Oklahoma City Post office.

Sincerely,



Beryl Jones, President

UNITED STATES POST OFFICE

DATE: March 13, 1986
OUR REF: 220:OCurry:sm:9403
SUBJECT: Step 2 Grievance Decision - E. Newsom
Provision(s) Allegedly Violated: Article 2, 3, 5, 9, 15, 19
TO: Mr. Beryl D. Jones, President
Branch 458, NALC
1411 Classen Blvd., Suite 336
Oklahoma City, OK 73106-6619

RECEIVED

MAR 17 1986

Branch 458 N.A.L.C.

OKLAHOMA CITY, SCF
Appeal No. NC-115-86CERTIFIED - RETURN RECEIPT REQUESTED

This is to confirm the disposition of the subject Step 2 grievance appeal which was recently discussed.

The grievance appeal is mutually resolved based on information presented and contained in the grievance file.

On 11/07/85 an arbitration award was received concerning the grievant, Mr. Newsom, in Case #N-238-85. The award required the tendering of back pay for the period of May 25, 1985 and ending when grievant returned to work November, 1985. This pay included averaged overtime. The pay was not received until February 25, 1986. When received it was incorrect and Mr. Newsom was charged 2 times for health benefits for an additional amount of \$258.57. Further, records show that grievant was charged sick and/or annual leave while he was supposed to have been on administrative leave. As a requested remedy grievant seeks to be compensated at the rate of 18% interest beginning on May 25, 1985 plus 40 hours of additional pay. Management takes the position that to grant the requested remedy would be an unjust enrichment of the grievant and therefore an inappropriate remedy. However, from the record it is clear that grievant was charged twice for his health benefit premiums and will therefore be reimbursed for the over charge. Additionally, grievant's overtime will be re-calculated using the appropriate starting date of May 25, 1985 and grievant's sick and annual leave usage during the 30 day notice period will be re-credited.

The time limit for processing at Step 2 was extended by mutual agreement.



O. D. Curry
Acting Labor Relations Assistant
Oklahoma City, OK 73125-9403



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-00907

WITH-CARRIER	RESOLVED
DATE	
MAIL INITIALS	USPS INITIALS

STANDARD GRIEVANCE FORM

DATE	BRANCH GRIEV. NO.	USPS NO.
2-27-86	N-115-86	
TO: USPS STEP 2 DESIGNEE (NAME & TITLE)		PHONE—OFFICE
Barbara Wier, Postmaster		278-6261
INSTALLATION	PHONE—OFFICE	
Oklahoma City, Oklahoma 73125	524-8506	
FROM BRANCH NO.	BUSINESS ADDRESS	
458	1411 Classen Blvd., Suite 360, Oklahoma City, Oklahoma 73106	
STEP 2 AUTHORIZED UNION REP.		PHONE—OTHER
Branch 458 President or his Designee		
STEP 1 MEETING HELD ON (DATE/TIME)	BETWEEN USPS REPRESENTATIVE	ANC. GRIEVANT
2-25-86	J. Biegers	E. Newsome
GRIEVANT'S NAME (OR CLASS)		STEWARD
E. Newsome		B. Stoops
HOME ADDRESS		PHONE
3710 N. Land		947-4892
CITY	STATE	ZIP
Oklahoma City,	Oklahoma	73112
JOB CLASSIFICATION	CRAFT SENIORITY DATE	USPS SENIORITY DATE
Level 5 Carrier	6-9-84	
STATION OR BRANCH	SOCIAL SECURITY NO.	DUTY HOURS
Marr Acres		6:00 / 2:30
OFF DAYS	SA	SU
<input checked="" type="checkbox"/> ROTATING	<input type="checkbox"/>	<input type="checkbox"/>
FIXED—CHECK AS APPLICABLE	M	T
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	W	TH
	<input type="checkbox"/>	<input type="checkbox"/>
	F	
	<input type="checkbox"/>	
LEVEL	STEP	REG
5	2	X
STEP 1: RENDERED ON (DATE/TIME)		SUPERVISOR'S INITIALS (UPON REQUEST)
DECISION 2-25-86		Initialed
BY (NAME & TITLE)		
J. Biegers, Supt. Branch Operations		

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) 2,3,5,9,15,19 LOCAL (ART. & SECT):

OTHER GROUNDS

FACTS: WHAT HAPPENED On November 7, 1985 an arbitration award was received concerning Mr. Newsome in case #SAN-3T-D 7011 (N-238-85). The award required the tendering of back pay for the period of time beginning May 25, 1985 and ending when returned to work in November 1985. This pay included averaged overtime. The pay was not received until February 25, 1986. When received, it was incorr and Mr. Newsom was charged two times for health benefits for an additional amount of \$258.57.

ADDITIONAL SHEET ATTACHED

UNION CONTENTIONS: REASONS FOR GRIEVANCE The back pay should have been tendered within six (6) weeks after receipt of the arbitration award. A review of the records reveals the back pay request was not sent to the Postal Data Center until 1986. The ensuing result was a wait of 16 weeks to receive incorre pay. Overtime pay was not properly figured. He was charged \$517.74 for a health benefits bill that was \$258.57. Further records show Mr. Newsom was charged sick and/or annual leave while he was supposed to have been on administrative leave.

ADDITIONAL SHEET ATTACHED

CORRECTIVE ACTION REQUESTED: Because of the apparent deliberate delays, Mr. Newsom paid interest at the rate of 18 percent, beginning May 25, 1985 and ending when tendered to him, plus 40 hours of tional pay. The overtime averaged by use of either part-time flexibles only or the overtime desired list only. Immediate payment of \$258.57 plus interest at the rate of 18 percent. The annual and/or sick leave recredited to his respective balances for leave purposes.

BRANCH PRESIDENT/DESIGNEE Beryl Jones

SIGNATURE ▶

Beryl Jones