

UNITED STATES POSTAL SERVICE
475 L'ENFANT PLAZA SW
WASHINGTON DC 20260

Mr. Vincent R. Sombrotto
President
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, N.W.
Washington, DC 20001-2197

RECEIVED

DEC 16 1993

**CONTRACT ADMINISTRATION UNIT
N.A.L.C. WASHINGTON, D.C.**

RE: E90N-1E-C 93023117
(OLD #WON-5R-C 15397)
BRANCH
EVERETT WA 98201

E90N-1E-C 93023118
(OLD #WON-5R-C 15398)
BRANCH
EVERETT WA 98201

Dear Mr. Sombrotto:

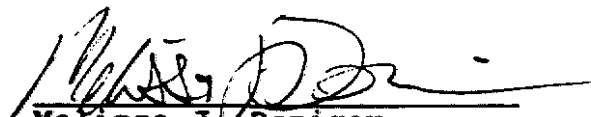
Recently, I met with your representative to discuss the above-captioned grievances at the fourth step of the contractual grievance procedure.

The issue in these cases is whether a contractual violation occurred when management removed certain items from NALC bulletin boards in the Lynnwood Station and Marysville Post Office. The items were removed due to management's determination that the material in question, which consisted of an NALC Bulletin listing endorsements of political candidates, was inappropriate for display in a building owned or leased by the Postal Service.

Based on the particular facts and circumstances at issue, the grievances are sustained.

Time limits were extended by mutual consent.

Sincerely,



Melissa J. Doniger
Grievance and Arbitration
Labor Relations

Date: 12/16/93



National Association of Letter Carriers (NALC) CIO

APPEAL TO STEP 4

01159

DATE 6/12/93

TO: ASSISTANT POSTMASTER GENERAL
LABOR RELATIONS DEPT.
UNITED STATES POSTAL SERVICE
WASHINGTON, D.C. 20260-4100

FROM NATIONAL BUSINESS AGENT

CARRIER	REGIONAL NO.	GRIEVANT (OR CLASS)	POST OFFICE
	WOM-5R-C-15397	Class	Marysville, MA

DEAR SIR: SINCE NALC USPS BELIEVE(S) 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 XV, SECTION 2, OF THE NATIONAL AGREEMENT.

DATE STEP 3 DENIAL RECEIVED: **June 9, 1993**

STEP 3 DECISION RENDERED BY: **Drusilla Wylie, Labor Relations**

VIOLATION INCLUDING BUT NOT LIMITED TO: **Articles 3, 19, 22
EIM 663.12**

CORRECTIVE ACTION REQUESTED: **Cease and desist removing items from or posting items on the NALC Union bulletin boards. Any other remedy deemed appropriate.**

DESIGNATED NALC REPRESENTATIVE AT STEP 4: **CAU**

Enclosures:

1. Standard grievance form
2. Step 2 decision
3. Step 3 decision

SINCERELY YOURS,

NATIONAL BUSINESS AGENT

CC: REGIONAL DIRECTOR FOR ELR
NATIONAL OFFICER, NALC
BRANCH PRESIDENT, NALC



RECEIVED

JUN 9 1993

JIM EDGEMON, NBA
National Association Letter Carrier

**United States
Postal Service**

WESTERN AREA LABOR RELATIONS
ONE PARK PLACE, SUITE 600
DENVER, CO 80209-4000

June 7, 1993

Certified: P 197 671 751

Mr. Jim Edgemon
National Business Agent
NALC, AFL-CIO
P. O. Box 84386
Vancouver, WA 98684-0386

Re: W0N-5R-C 15397
Branch
Marysville, WA 98270-9998

Dear Mr. Edgemon:

This will acknowledge a Step 3 meeting between your designee, Jim Williams, and me, concerning the above-captioned grievance.

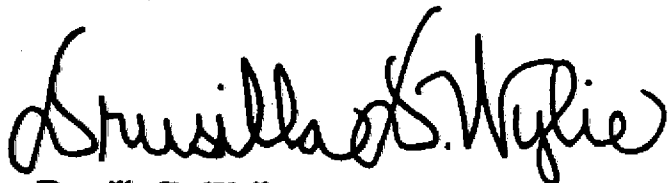
The issue of this grievance is whether a contractual violation occurred when the local Union was prohibited from posting material of a political nature on the bulletin board. The Union maintains that Article 22 and the Hatch Act permit the Union to utilize bulletin board space for this purpose. Further, the Union cites National Arbitrator Gamser's award N8-W-0214 wherein he stated that "the Postal Service may not interfere with the posting of material on NALC bulletin boards on the grounds that such material is unsuitable unless management can demonstrate that the notice would cause disruption or dissension so as to adversely affect production or efficiency."

This grievance is **DENIED** based on the following:

The Union's reliance on Arbitrator Gamser's award is misplaced in this grievance. The issue in that decision addressed a situation wherein the local office prohibited the Union from posting the names of non-members on their bulletin board. In the instant case, the material in question dealt with the Union's COLCPE Committee's recommendation for political candidacy. The provision governing such activity is covered in the Employee and Labor Relations Manual, Section 663.12, wherein employees are strictly prohibited from displaying a political picture or sticker on postal owned/leased property that contains language in the nature of political campaigning.

In my 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.

Sincerely,



**Drusilla D. Wylie
Labor Relations**

**cc: Postmaster
Western Area Labor Relations
Pacific Area Labor Relations
Manager, Human Resources**



NATIONAL ASSOCIATION OF LETTER CARRIERS (AFL-CIO)

M-01159

GRIEVANCE APPEAL TO 3

DATE: December 14, 1992

FROM: BRANCH PRESIDENT

TO: REGIONAL DIRECTOR, EMPLOYEE AND LABOR RELATIONS UNITED STATES POSTAL SERVICE

WESTERN REGION 850 CHERRY AVE SAN BRUNO, CA. 94099

KEN TITUS BRANCH 791 P.O. BOX 1491 LYNNWOOD, WA 98046

Table with 5 columns: BRANCH GR.#, GRIEVANT'S NAME, GRIEVANT'S S.S.#, JOB CLASSIFICATION, STATION. Row 1: 92-0295MAA, Class Action, LETTER CARRIER, EVERETT, WA

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 Mike Ferri, Postmaster OF THE Marysville WA INSTALLATION, RENDERED ON 12-2-92 AND RECEIVED ON 12-9-92

ATTACHMENTS (CHECK): [X] 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 Jim Edgemon, NBA AT (ADDRESS) P.O. Box 84386 Vancouver, Wa. 98684 OR BY PHONE 206-892-6545

VIOLATION: INCLUDING BUT NOT LIMITED TO NATIONAL (ART. & SECT.) 3, 19.22 LOCAL (ART. & SECT.) OTHER GROUNDS: ELM 663.12

REASONS FOR APPEAL: On October 27, 1992 Postmaster Ferri sent a letter to the Union President that a certain item (NALC Bulletin) on the NALC bulletin board in the Marysville WA. Post Office had been removed by him, because management felt it was inappropriate. The Union contends that the bulletin boards are for the "Exclusive use of each Union party", and management had no authority to remove anything from the board. This bulletin was from the National Union and it merely reported to the membership the result of the COLCPE committee. This material does not violate the ELM provisions cited or the Hatch Act or any other provisions of the National Agreement or manuals.

CORRECTIVE ACTION REQUESTED: Cease and desist removing items from or posting items on the NALC Union Bulletin Boards. Anyother remedy deemed appropriate.

cc: NATIONAL BUSINESS AGENT, NALC POSTMASTER

KEN TITUS PRESIDENT BRANCH PRESIDENT/DESIGNEE

[Signature] SIGNATURE

UNITED STATES POSTAL SERVICE

MARYSVILLE POST OFFICE
1010 State Ave/Marysville, WA/98270-9998

DATE: December 2, 1992

OUR REF: Ferri:mf:9998

SUBJECT: Step 2 Grievance Decision (NALC #MAA 92/0295)

|||||

TO: KEN TITUS PRESIDENT
NALC BRANCH 791
PO BOX 1491
LYNNWOOD WA 98046-1491

You and myself met by phone to discuss this grievance on Wednesday, November 25, 1992. By mutual agreement, the timeframes for this grievance were extended.

The issue here is whether Management violated the National Agreement by removing a NALC posting on the NALC bulletin board.

The Union contends such posting did not violate the ELM or the Hatch Act because the posting consisted of recommendations of the COLCPE Committee only as information to its members.

Section 663.12 of the Employee And Labor Relations Manual (ELM) states:

Additional Prohibited Activities Political Activities. In addition to the restrictions on political activities mentioned in 663.11, an employee may not:

a. Display a political picture or sticker on property owned or leased by the Postal Service. The employee is not forbidden, however, from displaying a picture of a political figure, in an office or place of work if it has no language in the nature of political campaigning.

I am convinced the posting in question contained pictures of political candidates and recommendations to members to vote for these candidates as they were favorable to the Union and its members.

Page 2

Based upon the above, I am denying the grievance.



Michael S. Ferri
Postmaster (Step 2 Designee)
1010 State Ave
Marysville WA 98270-9998

cc: Donnis E Allen, Shop Steward



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-01159

STANDARD GRIEVANCE FORM				DATE 11-17-92	BRANCH GRIEV NO MAA 92-078	USPS NO										
TO: USPS STEP 2 DESIGNEE (NAME & TITLE) Mike Ferrari Postmaster		INSTALLATION Marysville WA 98270		PHONE—OFFICE 659-1260												
FROM: BRANCH NO 791	BUSINESS ADDRESS P.O. Box 1491 Lynnwood, WA 98046															
STEP 2 AUTHORIZED UNION REP Ken Titus				PHONE—OFFICE 483-9863	PHONE—OTHER											
STEP 1 MEETING: HELD ON (DATE/TIME) 11-9-92 10:00 AM		BETWEEN USPS REPRESENTATIVE Jim Cloninger		AND GRIEVANT		STEWARD Donnis E Allen Sr										
GRIEVANT'S NAME OR CLASS Class Action					PHONE 659-1260											
HOME ADDRESS			CITY	STATE	ZIP											
JOB CLASSIFICATION City Carrier		CRAFT SENIORITY DATE		USPS SENIORITY DATE		DUTY HOURS										
STATION OR BRANCH Marysville, WA 98270			SOCIAL SECURITY NO		VETERAN <input type="checkbox"/> YES <input type="checkbox"/> NO											
OFF DAYS <input type="checkbox"/> ROTATING	FIXED—CHECK AS APPLICABLE		SA	SU	M	T	W	TH	F	LEVEL	STEP	REG	MEMBER	MEMBER	PTR	PTF
STEP 1 DECISION RENDERED ON (DATE/TIME) 11-13-92 11:00 AM		BY (NAME & TITLE) Jim Cloninger Supervisor				SUPERVISOR'S INITIALS (UPON RECEIPT) [Signature]										

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) Artical 3, 19 & 22 LOCAL (ART & SECT)
 OTHER GROUNDS: National Arb NB-W-0214 July 1981 Gansler

FACTS: WHAT HAPPENED On 10-27-92 Mike Ferrari removed a NALC bulletin from the NALC bulletin board in the Marysville Post Office. The reason for removing the material given by Mike Ferrari was that because the bulletin contained a picture of a political candidate, it was in violation of the ELM & the Hatch Act.

ADDITIONAL SHEET ATTACHED

UNION CONTENTIONS: REASONS FOR GRIEVANCE The material that was present in the NALC Bulletin was ~~not~~ not unsuitable for posting on the NALC Bulletin board in the Marysville Post Office. The material has not been shown to be in violation of the ELM nor the Hatch Act. Management has not established that this material was or is unsuitable for posting under the provisions of Artical 22.

ADDITIONAL SHEET ATTACHED

CORRECTIVE ACTION REQUESTED: Management follow the National Agreement under Artical 22 and not interfere with the posting of appropriate NALC material on the NALC Bulletin board, and any other remedy deemed appropriate.

BRANCH PRESIDENT/DESIGNEE Ken Titus SIGNATURE Ken Titus [Signature]

Grievance Summary - Step 1

1. Grievant's Name (Last, First and Middle Initial)
Allen DONNIS E JR

Forward the original of this form to your Step 2 Management Official. Complete Items 1 through 12 and 21.
If grievance is denied, complete Items 13 through 20. If additional space is required, continue on reverse.
See Handbook EL-921, Supervisor's Guide to Handling Grievances.

M-01159

2. Facility Marysville, WA.		3. Craft Carrier		4. Grievant's Title Stewart / Class ACTION	
5. Date of 10-27-92		6. Was Grievance Timely at Step 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		7. Date of Step 1 Answer 11-13-92	
a. Incident 10-27-92		Step 1 Meeting 11-09-92		8. Union Official Donnis Allen	

9. Issue (Complaint or alleged violation)
That management did interfere with the posting of material on NALC bulletin board on the grounds that such material was unsuitable. Violation of Article 22 of the National Agreement

10. Remedy Requested (Specify requirements to resolve grievance)
That management not interfere in the posting of material on NALC bulletin boards on the grounds of unsuitability. That management must establish that it has "just cause" for such a determination.

11. Decision Sustained Settled Denied Closed Withdrawn Other (Specify)

12. Reasons for Decision
That management did establish "just cause" for prohibiting the posting of material on NALC bulletin board on the grounds that such material was in violation of section 663.12 of Employee and Labor Relations Manual.

13. Grievance Data					14. Craft or Relevant Seniority Date
a. Level P-05	b. Step	c. Tour	d. Section	e. Pay Location 130	Regular Letter Carrier

15. Check One FTR PTR PTF Rural Designation Code

16. Off Days **Rotating** 17. Work Schedule **Monday thru Saturday**

18. Background (State all relevant information and attach all supporting documents)
Mangement did prohibit the posting of NALC materal on the NALC bulletin board on the grounds that such material was in violation of the Employee and Labor Relations Manual.
An employee may not display a political picture or sticker on property owned or leased by the Postal Service.

The NALC material was also in violation of the "Hatch Act" as it contain language in the nature of political campaigning.

19. Management's Position
That said material was not suitable for posting on Postal grounds. That said material did violate (5 U.S.C. Subchapter 111 of Chapter 73, and 18 U.S.C. 602,603, and 607) and to the related regulations.

20. Union's Position
That management should not have interfered in the posting of NALC material on NALC bulletin boards.

21. a. Management Official (Name and Title) James P Cloninger Delivery Supervisor		21. b. TEL <input type="checkbox"/> PEN <input type="checkbox"/> Com 206-659-1260	21. c. Signature <i>James P Cloninger</i>
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UNITED STATES POSTAL SERVICE
P.O. BOX 9000
SEATTLE WA 98108-0000

M-01159

SEATTLE FIELD DIVISION

DATE: October 27, 1992

OUR REF:

SUBJECT: Union Posting

|||||

TO: KEN TITUS, PRESIDENT
NALC BRANCH 791
PO BOX 1491
LYNNWOOD WA 98046-1491

I want to inform you that the Marysville Post Office copy of the "NALC BULLETIN", dated October 16, 1992, has been pulled from the NALC bulletin board as of this date.

This issue number 92-30 lists names and pictures of political candidates endorsed by the NALC and requesting their membership to vote for them.

Under the Hatch Act, this posting cannot be on postal premises.

I have retained this issue in my office. You or your representative may pick up the issue at your convenience.

Michael S Ferri
Postmaster
1010 State Ave
Marysville WA 98270-9998