

**QUESTIONS AND ANSWERS ON
USPS/NALC DISPUTE RESOLUTION PROCESS TEST**

5-1-98

1. **What happens to cases that are in the system prior to April 4, 1998?** They continue under Article 15 as printed in the 1994 USPS-NALC National Agreement.
2. **Do removal cases receive priority treatment?** Yes, both for discussion and decision.
3. **Are Letters of Warning deferred?** No. (This is a change from what was contained in the parties' October 20, 1997 agreement.)
4. **How do we defer a suspension?** The notice of suspension is issued as usual, but upon the filing of a grievance, serving of the suspension is deferred until the Step B decision is rendered. If the suspension is upheld, the local office will determine when the suspension begins, with 10 days advance notification.
5. **Since suspensions/removals are deferred (not served) until after Step B, who determines when they will begin?** The supervisor/manager who issued the suspension or another management official in the local office. Each test District should make sure that offices in that District set up procedures to 1) build in sufficient time so that suspensions do not begin before a grievance is filed (i.e., build in AT LEAST 14 days between receipt and beginning of suspension); 2) inform the issuing supervisor that a grievance has been filed and the suspension should be deferred until further notice and 3) inform the grievant that the suspension is deferred.
6. **Can the Dispute Resolution Team defer a suspension beyond the Step B decision date (i.e., defer until after arbitration)?** No.
7. **What happens to MSPB appeal rights in the Dispute Resolution Process?** MSPB appeal rights are unchanged by this process.
8. **What happens with safety and health grievances?** They can be filed at Step A directly with the installation head. The steward fills out the first part of the form as usual and files it directly with the installation head, bypassing the immediate supervisor.
9. **In a small office, the union wants to designate the steward who filed the grievance at Step A as the Step A representative. May they do so?** Yes. (The revised contract language continues to specify that management's Step A representative is from outside the office in installations with 20 or fewer employees.)

10. **Does the immediate supervisor who receives the informal grievance have five days to respond?** No, the intent is to allow the supervisor an opportunity to informally resolve a dispute, not to render a decision. However, in limited circumstances it may be appropriate to allow the supervisor additional time to consider the issue. Any such extension must be in writing by the supervisor and filing steward.
11. **Who can agree to extend time limits in this process?** The Step A and Step B representatives may jointly agree to extend time limits for meeting and discussion at their respective steps. It may be appropriate to notify the Step A representatives of any extensions reached at Step B. For example, if a suspension is deferred and the Step B representatives extend time limits for two weeks due to a vacation, both the grievant and the supervisor may be concerned about when the suspension is to begin. Notifying the Step A representatives of the two week extension will facilitate the Step A representatives' ability to answer questions from the supervisor and grievant.
12. **At what point does the grievance get a number, Step A or Step B? How does this happen?** Numbering of the grievance is done by management and will not affect time limits. Attached is an explanation of the numbering process.
13. **Are resolutions offered at Step A from both parties entered on the Step A grievance form?** Yes. However, if the case ultimately goes to arbitration, all settlement offers entered on the Step A form should be *deleted/whited out/overlined* so that they are not presented to the arbitrator.
14. **Where are the unresolved Step A grievances sent?** The union sends the appeal and file directly to the Step B resolution team office. This is a change from the parties' October 20, 1997 agreement. **What information should be in a file sent to Step B?** The joint Step A form and all supporting documentation.
15. **Article 15 provides for additions and corrections to management's Step 2 decision. Is this changed in the Dispute Resolution Process?** The contract language providing for a separate corrections and/or additions letter has been eliminated as there is no longer a management decision letter. However, if the *union representative filing the Step B appeal did not serve as the Step A official*, additions and/or corrections to the Step A record can be noted in the Step B appeal letter.
16. **What are the primary responsibilities of the Dispute Resolution Team?** As stated in the Dispute Resolution Process agreement, the primary role of the Step B resolution team will be "to decide the grievances presented to them and to communicate the basis for the decision to the parties at Steps A and B. Upon request of the District Manager and the NBA, the teams also may be called upon to provide training and other assistance to the local parties." Education and training is an important responsibility second only to the grievance workload.

17. **Who approves leave for the Dispute Resolution team?** The District Manager or designee.
18. **How do Dispute Resolution Team members handle requests for advice on NALC grievances?** In the beginning, we suggest referring such requests to Labor Relations or the local union. As team members work together and where there is mutual agreement on the answer, there may be occasions where they are comfortable providing advice. What should be avoided is situations where one team member gives advice that the other team member does not agree with.
19. **Can Dispute Resolution Teams travel to the field to address issues in local sites?** The process was not set up with this kind of travel in mind, but it is permissible when approved by the District Manager and NBA. However, the team's primary role is to decide grievances.
20. **Can Dispute Resolution Team handle cases involving the Postal Inspection Service?** Yes.
21. **May the Step B team contact District management and/or the NBA for advice?** Although the team is not prohibited from discussing cases with the District Manager and/or the NBA, it is the intention of the parties that the Dispute Resolution Team base its decisions on the Joint Contract Administration Manual, other research sources, and the contract language.
22. **What kind of support services should be provided to Dispute Resolution Teams?** The Dispute Resolution Teams should be provided suitable office space, clerical support as typically provided in that office, a telephone, and computers with CD-ROM, and such other support as may be needed to perform their DRT assignments.
23. **What is the work schedule (N/S days) and work hours of the Dispute Resolution Team?** The Dispute Resolution Team work schedule is set by the District Manager or designee after discussion with the NBA.
24. **Can Dispute Resolution Team members go back and work overtime or be scheduled for holiday work on their routes?** No, the intent is that the carrier serving as a Step B representative will serve full-time in that assignment and will not return to work on his or her route. However, the carriers can work overtime doing their assignment as Step B representatives.
25. **Can Dispute Resolution Team members work overtime? If so, who authorizes the use of overtime for NALC Dispute Resolution Team members?** FLSA-non-exempt Step B representatives may work overtime in those situations where the workload supports such use. The District Manager or designee authorizes the use of overtime.

26. **Are members of the Dispute Resolution Team FLSA-exempt? Becoming a Step B representative does not change FLSA status. Most management Step B representatives are FLSA-exempt. While letter carrier team members remain FLSA-non-exempt, it is understood that they will be working in a Monday-Friday business-hours environment, and the schedule established by the District will become the regular schedule.**
27. **Will Dispute Resolution Team members receive mileage to their duty station? No. The location of the Step B representative's office becomes the duty station. If Dispute Resolution Team members are required to travel from the new duty station, mileage will be paid as specified in the appropriate handbooks/manuals.**
28. **Will NALC members of the team continue to receive their uniform allotment during the one year test? Yes.**
29. **Can new Dispute Resolution Team members be added/changed after the test begins? Previously trained and certified "backup" teams may be used at any time by agreement of the District Manager and NBA. However, activation of the backup team to full-time status on a permanent basis must be approved by Headquarters Labor Relations. Any new or replacement Step B representatives must be trained and certified by the national parties prior to assuming duties as members of the Dispute Resolution Team or backup team.**
30. **Do backup teams get copies of all decisions? No. However, it is suggested that the Dispute Resolution Team keep a chronological file that contains a copy of each decision written by the team - this file would be available for review by the backup team.**
31. **Can Dispute Resolution Team members participate as advocates or witnesses in arbitrations, and MSPB, EEO or OWCP hearings? The intent is to avoid advocacy of any cases involving letter carriers while serving as a Step B representative, whether arbitrations, MSPB, EEOC or OWCP. If the representative's involvement in a case prior to assuming the Step B assignment necessitates some participation in the hearing, this should be discussed with the District Manager and NBA.**
32. **Are DRT members precluded from engaging in other union business while serving as a DRT? DRT members may not handle non-Step B grievances at any time, but they may handle other union business during their time off.**
33. **Can Dispute Resolution Team members participate as members of an LMOU bargaining committee? Not in local implementation involving the NALC-USPS LMOU.**
34. **Are resolutions citeable in an office? If so, define office. Yes, but only in the installation for which the decision is rendered.**
35. **When does the 14 day time limit for appealing a case to arbitration begin? When the Step B file is received in the NBA's office.**

36. **Should the Dispute Resolution Team make a decision based on the case file as received, or should they remand if information is missing?** The Step B representatives have the responsibility for making certain that all relevant facts and contentions have been developed and considered. Whether the Step B representatives make a phone call or remand for further development is a decision the team must make.
37. **Can new evidence/arguments be presented at a later step?** The contract language in this area has not changed.
38. **Within the new procedure, who determines whether a case is interpretive?** Either of the Step B Dispute Resolution Team members can decide a case is interpretive, in which event it will be sent to Step 4. (The NBA may not overturn that decision.) If the Step B team decides that a case is not interpretive, but the NBA believes it is, the NBA may refer the case to Step 4. *If either Dispute Resolution Team member believes a case is interpretive, a statement to that effect should appear in the Step B decision, underlined or bolded.*
39. **May we hold cases?** Yes, if they present an issue already pending at the national level or if there is a "representative" case pending. **Where are these cases held?** The Step B representatives should issue a decision agreeing to hold these cases, but the files plus the decision should be forwarded to the NBA's office to be held.
40. **Can you please provide a copy of a sample "hold" letter.** A sample "hold" letter is attached.
41. **Is it appropriate to use "boilerplate" language on resolved cases?** Each decision should be tailored to the fact circumstances of the specific case. The teams may agree to use "boilerplate" language when appropriate.
42. **Should closed file be kept after a case is closed/settled?** Certainly one copy should be kept; in some locations management and union representatives may both wish to retain a file.
43. **The Step B team decision format has a place for issue codes. Could we have a list of these codes?** A copy is attached. **How do we use them?** For each case, pick one code (see contract article for contract issues and higher numbers for discipline issues) that best matches the issue in the case and make it part of the information in the upper right corner of your decision.
44. **Where are copies of all Step B decisions sent?** At a minimum, to the Step A parties, the NBA, Bill Young at NALC Headquarters, and for data input. **How often should they be mailed?** To the Step A representatives and NBA, as soon as possible and appropriate. To Bill Young, every other week.
45. **How will grievances sent to the Dispute Resolution Team be logged into the system?** The management Step B representative will be responsible for getting a copy of the first page of the joint Step A form to the district data input site.

46. **Can a PTF become a maximized regular as the result of opting on the assignment of the NALC member of the Dispute Resolution Team? No, as specified in the Dispute Resolution Process agreement.**

47. **Where should all concerns about the Dispute Resolution Process be sent? Initially, concerns or questions should be referred to the Area and NBA, who may in turn refer them to Headquarters.**

DECISION
NALC/USPS Step B
Dispute Resolution Team
HOLD

Case Number _____ M-01314
Grievant _____
Installation _____
Decision: Resolved
Issue Code: 000001/62.0100
Meeting Date _____

DECISION

The Dispute Resolution Team has decided to **hold** this grievance pending resolution of a (check one):

Grievance at the national level (Case No. _____).

or

Representative grievance at the regional level (Case No. _____).

After resolution of the national or representative grievance this case will be processed accordingly.

Step B Representative (typed name)

Step B Representative (typed name)

Date

Date

- copies to:
- Mr. Smith, USPS Step A Representative
- Mr. Jones, NALC Step A Representative
- Mr. Young, NALC National HQ
- other involved: Labor Relations, etc.
- Data input
- Files

FLOW OF PAPERWORK

M-01314

- Employee and/or union meet with supervisor
- If unresolved, steward completes top of Joint Step A form
- Supervisor initials top of Joint Step A form
- Steward sends Joint Step A form plus attachments/documentation to installation head/designee, with copy to Union Step A rep, and keeps a copy for steward's records
- Installation head/designee forwards Joint Step A form for data input and (if installation head is not Step A rep) to management Step A representative [If grievance is filed in a data input site, the Joint Step A form with attachments will itself be sent, be input and have labels generated. If grievance is filed in a non-data-input site, local arrangements (cc:mail message, copy of Step A form, etc.) will be followed and the labels will arrive separately]
- Step A representatives discuss and decision the grievance and complete Joint Step A form.
- Step A representatives make copies of Joint Step A form plus new attachments/documentation for themselves and to send to whomever else they want to inform (including data input if locally required*) (a copy of any resolution will be sent to the supervisor and steward)
- Depending on office*, management file or copy of decision is given to data input site for computer update
- Step A decision is entered into computer tracking system
- If unresolved, union may appeal (send copy of Joint Step A form with attachments/documentation) to Step B resolution team office (with a copy to Union Step B representative)
- Step B management team member forwards copy of Step A form for data input (or*, forwards file for data input if input will not delay discussion, depending on local circumstances)
- Appeal information is entered into computer tracking system
- Manager, Human Resources or* data input forwards to management Step B representative
- Step B resolution teams meet, discuss, decision case
- Step B representatives make copies of decision for Step A representatives, NALC National HQ, and their files (as well as data input if locally required*).
- Depending on office, management file or copy of decision is given to data input site for computer update
- Step B decision is entered into computer tracking system
- If impasse is declared, NALC may forward to NBA for decision whether to appeal to arbitration within 14 days (or appeal to Step 4 if interpretive)

Resume current procedure

Note:

*Certain options in procedures for data input will be determined at local office, and will depend on volume, location of data input sites and representatives, and other local variables.

Procedures will be designed so that input is timely and file is not delayed from reaching representative because of data input step.

**QUESTIONS AND ANSWERS ON
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9-23-98

The following questions explore various situations involving timing of removals.

48. **Carrier X, who is a preference-eligible with appeal rights to MSPB, receives on June 1 a notice of proposed removal, indicating that he will be removed no sooner than 30 days from the date of his receipt of the letter. He files a grievance on June 6, and on June 8 (as part of his preference-eligible rights) he meets with the deciding official. The Step A meeting on the grievance is held on June 10, there is no resolution, and the Joint Step A form is completed and sent to the Step B team, which receives it on June 12. On June 15, the deciding official issues a Letter of Decision affirming the removal and setting an effective removal date of July 1. The Step B team meets on June 14 and issues a joint report of impasse on June 20. May the July 1 date of removal stand? Yes.**
Removals will be deferred until after the Step B decision has been rendered or 14 days after the appeal is received at Step B, whichever comes first. In this case, the Step B decision "came first" - on June 20. Since July 1 is after June 20, the July 1 date stands.
49. **What if Carrier X didn't file a grievance until June 14, with the Step A meeting held on June 19 (and not resolved), the appeal to Step B received by the Dispute Resolution Team on June 22, and the Step B joint report of impasse issued on July 2, but the rest of the above scenario remained unchanged? Would the July 1 date of removal stand? No.** Removals will be deferred until after the Step B decision has been rendered or 14 days after the appeal is received at Step B, whichever comes first. In this case, the Step B decision "came first" - but it was on July 2. The removal should have been deferred until after July 2.
50. **May the Dispute Resolution Team render a decision even if the deciding official has not yet done so? Yes. May the Dispute Resolution Team resolve the grievance even if they suspect the deciding official would uphold the discharge? Yes.**
51. **Would the answers in #48 and #49 apply even if Carrier X were charged with theft of mail? No,** the agreement on deferral of removals does not apply to those removals involving allegations of crime, violence, or intoxication, or cases where retaining the employee on duty may result in damage to postal property, loss of mail or funds, or where the employee may be injurious to self or others.