

Central PA / South Jersey DRT
2100 N. 13th Street
Reading, PA 19612
Phone 610-921-7035 or 610-921-7086
FAX 610-921-7025



STEP B DECISION

Step B Team: **Dean M. Petros**
Richard P. McDonough

Decision: **Resolved**
USPS Number: **4B19N-4B-C-23295999**
Grievant: **Cser, Thomas**
Branch Grievance Number: **274-23-331**
Branch: **274**
Finance Number: **41-0128**
Installation: **Allentown**
Delivery Unit: **Allentown**
Zip Code: **17404**
State: **Pennsylvania**
Incident Date: **05/16/2023**
Date Informal Step A Initiated: **05/31/2023**
Formal Step A Meeting Date: **none**
Date Received at Step B: **06/20/2023**
Step B Decision Date: **08/23/2023**
Issue Code: **05.0000**
NALC Subject Code: **100274**

District: **Central PA**

ISSUE: Did management violate Article 5 and the ELM Section 432.33 via Article 19 of the National Agreement by disapproving the grievant's PS Form 3189 no lunch request? If so, what is the appropriate remedy?

DECISION: The Dispute Resolution Team (DRT) has **RESOLVED** this grievance. The Team agrees management failed to show a reasonable basis for the denial of the PS Form 3189. Management must consider requests for temporary schedule changes on a case-by-case basis. Operational needs along with balancing the needs of the employee at the time of future requests should be considered. Management will meet with the shop steward to discuss any concerns raised by a proposed change of schedule before denying a request. If the request is denied, management must provide a basis for the denial. No further remedy is granted in this instance.

EXPLANATION: According to the facts in the file, management at the Allentown Post Office denied a temporary change of schedule, PS Form 3189, for the grievant, Tom Cser. Management did not give a reason for the denial. The PS Form 3189 was signed on May 16, 2023. The union objected and filed this subject grievance.

The union contends the grievant's request for a temporary change of schedule for a 'no lunch' on May 16, 2023 was improperly denied and management did not provide a reason for the denial. The union argues that Management violated Article's 5, 8 and 19. The union points out that the Allentown Office has a valid established past practice of approving PS Form 3189s. The union also points out that Article 8 and the F-21 via Article 19 allow for changes of schedule. The union contends, in this instance management failed to consider the operational needs or the needs of the carrier when they chose to deny the change of schedule. Lastly, the union points out that a "no lunch" is a valid operation code and therefore a request for a no lunch is proper and allowable.

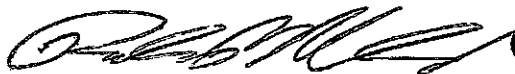
Management failed to schedule or meet at Formal A for this grievance. Management failed to provide any facts, contentions, or documentation, to support their position. Therefore, the grievance will be decided based on the case file appealed to Step B by the union.

Our review of the file also finds that management improperly denied the grievant's request for a "no lunch" via PS Form 31889, Request for Temporary Schedule Change on May 16, 2023. The evidence in the case file shows that the grievant submitted a PS Form 3189 in an attempt to change his schedule, having a "no lunch", for personal convenience. The grievant's request to change his schedule was disapproved on 05/16/2023. Management failed to state the reason for the denial of the PS Form 3189. Further, there was no evidence in the file to indicate management had considered or discussed operational needs with the grievant prior to making this denial. The DRT agrees that due consideration should be given for such a request balancing the needs of the employee with operational needs.

The Dispute Resolution Team (DRT) has **RESOLVED** this grievance. The Team agrees management failed to show a reasonable basis for the denial of the PS Form 3189. Management must consider requests for temporary schedule changes on a case-by-case basis. Operational needs along with balancing the needs of the employee at the time of future requests should be considered. Management will meet with the shop steward to discuss any concerns raised by a proposed change of schedule before denying a request. If the request is denied, management must provide a basis for the denial. No further remedy is granted in this instance.

Dean Petros

Dean M. Petros
Step B Representative-USPS



Richard P. McDonough
Step B Representative-NALC

cc: **Step A Parties**
National Business Agent
Area Labor Relations Manager
District Manager
District Human Resource Manager
District Labor Relations Manager
File

Grievance File Contents
Union Contentions
Extension
Appeal letter
Grievant Statement
Contract Language
PS Forms 3189(s)