

WESTERN PA DISTRICT DISPUTE RESOLUTION TEAM  
USPS PGH NDC  
300 BRUSHCREEK ROAD, ROOM 344  
WARRENDALE, PA 15095-1000  
PHONE 724-776-6328  
FAX 724-776-6307



**STEP B DECISION**

Step B Team:  
Petros & Strobel

Deciding District:  
Western PA

Grieving District:  
Central PA

Decision: **RESOLVED**  
USPS Number: 4B19N-4B-C22464147  
Grievant: [REDACTED]  
Branch Grievance #: 274-22-517  
Branch: 274  
Installation: Allentown  
Delivery Unit & Fin #: Allentown, 41-0128  
State & Zip Code: Pennsylvania, 18109  
Incident Date: 09/01-23/2022  
Date Informal Step A Initiated: 09/30/2022  
Formal Step A Meeting Date: None  
Date Received at Original Step B: 11/15/2022  
Date Received at Alternate Step B: 12/30/2022  
Step B Decision Date: 01/05/2023  
Issue Code: 17.3360, 15.0000

**ISSUE:** Did Management violate Article 15 and 17 of the National Agreement when they improperly denied steward Tumbiolo time on the clock to process multiple grievances which forced him to work off the clock? And if so, what shall the remedy be?

**DECISION: RESOLVED**

The Step B Team agrees that Management was not in compliance with the National Agreement when they failed to provide the grievant, Michael Tumbiolo, time on the clock to process multiple grievances . Management is instructed to cease and desist violating Article 17. Management is also instructed to provide adequate steward time on the clock.

Additionally, Management is instructed to abide by their own signed "Cease and Desist" settlements (as evidenced throughout the file). Management is again instructed to follow the provisions of Articles 15 and 17 of the National Agreement. Staying inline with the most settlement, the Grievant will be compensated \$125 for the repetitive violations of Articles 15 and 17. The Step B Team will enter the payment into GATS, no further remedy is required so secure this payment by the Formal A parties.

**EXPLANATION:** The Grievant submitted multiple Information Requests to Management via PS Form 3996's on 09/01/2022, 09/02/2022, 09/03/2022, 09/06/2022, 09/08/2022, 09/09/2022, 09/12/2022, 09/14/2022, 09/15/2022, 09/16/2022, 09/17/2022, 09/19/2022, 09/20/2022, 09/22/2022, and 09/23/2022 for processing Local grievances. The union continues that management failed to provide grievant with union time on the clock. The union objected and filed this subject grievance.

**Basis for Decision:**

The Union has the burden of proof in a contract case. The Step B Team relied on the unions contentions in the file prior to rendering a decision. Additionally, the union asserts that the Informal and Formal A meetings did not take place concerning the subject grievance and management's contentions were not provided.

The case file contained 15 PS Form 3996's that indicating that steward time was requested. The same requests show time was estimated for the combination of all the grievances requested by the union. The forms show that the union steward requested between 5 and 20 hours of estimated work to process multiple grievances.

The Western PA DRT recently decided a grievance for this office and the same Grievant regarding not receiving Steward Time, Local grievance # 274-22-518. That Grievance dealt with the PS Form 3996 requests from 09/16/2022 through 09/24/2022. Therefore 6 of the 15 requests were addressed in that decision. This decision will focus on the 3996 requests (9) from 09/01/2022 through 09/15/2022. Part of the remedy from Local grievance #274-22-518 provided the Grievant with a monetary award for his time spent working on grievances off the clock at home. The award in this grievance is for Management's continued failure for not providing or responding to the Grievant's requests for union time during the period of 09/01/2022 through 09/15/2022.

Article 17 of the Joint Contract Administration Manual (JCAM) on page 17-5 reads in relevant part:

*Right to Steward Time on the Clock. Although a steward must ask for supervisory permission to leave his or her work area or enter another one to pursue a grievance or potential grievance, management cannot unreasonably deny requests for paid grievance-handling time.*

The appropriate remedy for unreasonably denying steward time is provided under Article 17 of the JCAM on page 17-6 reads in relevant part:

*The appropriate remedy in a case where management has unreasonably denied a steward time on the clock is an order or agreement to cease and desist, plus payment to the steward for the time spent processing the grievance off-the-clock which should have been paid time.*

In conclusion, management was shown to have violated the National Agreement when they failed to provide paid grievance handling time to process local grievances between 09/01/2022 and 09/15/2022.

Management unreasonably denied requests for paid grievance-handling time submitted by the grievant. The Step B Team noted that the steward provided a statement in Local Grievance #274-22-518 detailing and validating the hours worked off the clock which included this grievance. Therefore, as remedy, the Step B Team will compensate the Grievant the current remedy of \$125 for Management unreasonably denying the Steward time on the clock to process grievances.

The JCAM explains stewards' rights as follows beginning on page 17-4:

*A steward may conduct a broad range of activities related to the investigation and adjustment of grievances and of problems that may become grievances. These activities include the right to review relevant documents, files, and records, as well as interviewing a potential grievant, supervisors, and witnesses. Specific settlements and arbitration decisions have established that a steward has the right to do (among other things) the following:*

- *Complete grievance forms and write appeals on the clock (see below);*

- Interview witnesses, including postal patrons who are off postal premises (National Arbitrator Aaron, N8-NA-0219, November 10, 1980, C-03219; Step 4, H1N-3U-C 13115, March 4, 1983, M-01001; Step 4, H8N-4J-C 22660, May 15, 1981, M-00164);
- Interview supervisors (Step 4, H7N-3Q-C 31599, May 20, 1991, M-00988);
- Interview postal inspectors (Management Letter, N8-N-0224, March 10, 1981, M-00225);
- Review relevant documents (Step 4, H4N-3W-C 27743, May 1, 1987, M-00837);
- Review an employee's Official Personnel Folder when relevant (Step 4, NC-E 2263, August 18, 1976, M-00104);
- Write the union statement of corrections and additions to the Formal Step A decision (Step 4, A8-S-0309, December 7, 1979, M-01145);
- Interview Office of Inspector General [OIG] Agents.

*A steward has the right to conduct all such activities on the clock*

According to Article 15.2 (c) The Step B Team will attach a list of all documents included in the case file.

1. Step B Decision – 3 pages
2. PS Form 8190 – 1 page
3. Union's contentions and attachments – 79 pages
4. Management's position and attachments – 0 pages
5. Joint attachments – 0 pages

The total number of documents in case file is 83 pages

*Dean Petros*

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Dean Petros  
USPS Step B Representative

  
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Brian C. Stropel  
NALC Step B Representative

cc: Area Labor Relations, District Manager, National Business Agent, and Formal Step A Parties