

Central PA / South Jersey DRT
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STEP B DECISION

Step B Team: **Bartko & Leeking**

Decision: **Resolved**
USPS Number: **4B19N-4B-C 23418038**
Grievant: **Class Action**
Branch Grievance Number: **274-23-548**
Branch: **274**
Finance Number: **41-0128**
Installation: **Allentown**
Delivery Unit: **Allentown**
Zip Code: **18109**
State: **Pennsylvania**
Incident Date: **08/09/2023**
Date Informal Step A Initiated: **08/23/2023**
Formal Step A Meeting Date: **None**
Date Received at Step B: **09/14/2023**
Step B Decision Date: **11/07/2023**
Issue Code: **15.2000**
NALC Subject Code: **505010**

District: **Central PA**

ISSUE: Did management violate Article 15 of the National Agreement when they returned Formal A appeals on August 7th and August 9th? If so, what is the appropriate remedy?

DECISION: The Dispute Resolution Team (DRT) has **RESOLVED** this grievance by determining management violated Article 15.2 of the National Agreement when they refused to accept and returned Formal Step A appeals to the union. If the union wishes to appeal grievances via the mail as in the case in this grievance, they may continue to do so. Additionally, management is directed to cease and desist further violations of this nature.

EXPLANATION: According to the facts in the file, management refused to accept and returned the union's Formal Step A appeals via mail. The union objected and filed this subject grievance.

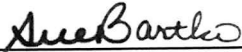
The union contends management violated Article 15 of the National Agreement when they sent back Formal A appeals on August 7th and 9th, which were previously mailed to her. The union states the grievances were placed in a G-10 envelope and returned to the union unopened. The union points out that the JCAM specifically states Formal A Appeals can be sent via the mail. As a remedy, the union requests management cease and desist returning Formal A appeals that are mailed to their representative.

Management failed to schedule and meet at Formal Step A. Given the nature of the grievance and seeing it sufficiently developed, the Team will render a decision based on the facts presented by the union.

The DRT has determined management violated Article 15.2 of the National Agreement when they refused to accept grievance appeals via the mail and returned appeals to the union. On page 15-4 of the JCAM, the following is provided:

*When appealing a grievance to Formal Step A, day one is the day following the receipt of the supervisor's oral decision. In appealing any grievance beyond Informal Step A, a union representative has until the last day to send the appeal. Thus, the appeal must be sent (if faxed or e-mailed), **postmarked (if mailed)**, or received (if hand-delivered), on or before the seventh day following the Informal Step A decision (for example, on the tenth if the decision is received on the third). To avoid problems union representatives should not wait until the last day. (emphasis added)*

The Team agrees the file contains the necessary documentary evidence to show this violation occurred. Photographs, witness statements, and USPS tracking information lead the Team to conclude management knowingly returned Formal A appeals back to the union with no reasonable explanation for this action. The union is the moving party throughout the grievance procedure. Being so, the method of appeal is theirs to determine. Therefore, if the union wishes to appeal grievances via the mail as in the case in this grievance, they may continue to do so. As such, management is directed to cease and desist further violations of this nature.



Sue Bartko
Step B Representative-USPS



Joshua P. Leeking
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
PS Form 8190
Union Contentions
Formal A Appeal
Steward Statements
Formal A Appeal Letters
Contract Citations
Returned Formal A Appeals/Tracking
Management Formal A Designee Letter
Scheduling Emails