

2011-2016 National Agreement

between
the
National Association
of Letter Carriers



the
United States
Postal Service

The grievance procedure How your contractual rights are enforced

The new National Agreement between NALC and the USPS, set by an interest arbitration panel in January, replaced the transitional employee (TE) category with city carrier assistants (CCAs). Thousands of CCAs have now been hired all over the country. The interest arbitration award gave CCAs added job security with “relative standing”—a form of seniority, a career path to becoming full-time career letter carriers and several other important contractual rights that TEs did not previously enjoy.

“The new National Agreement gives CCAs significantly more contractual rights and job security than TEs previously had,” NALC President Fredric Rolando said. “To best enforce these rights, all letter carriers, including CCAs, should understand the grievance procedure and how it works.”

Article 15 of the contract lays out the grievance-arbitration procedure that is used to resolve disputes. Though the process includes several steps, it is designed to resolve disputes and grievances at the lowest possible step. Understanding the grievance process will put you in a much better position to help yourself, your shop steward and your fellow carriers if management violates the contract.

It starts with your shop steward

Shop stewards are the foot soldiers in the NALC’s efforts to enforce the National Agreement. Stewards are letter carriers with special training and knowledge of the contract. Whenever management fails to provide a letter carrier with what he or she is entitled to under the National Agreement, the steward is the first to handle the problem.

“The shop steward is the person to start with. Talk to your steward if you have an issue, no matter how large or small the issue may be,” Rolando said.

Sometimes problems are resolved without the letter carriers involved even knowing about it.

“When a steward goes to a manager and fixes a problem, or a potential prob-

lem, just by informing the manager of the situation or reminding the manager of what the contract requires, sometimes that’s enough,” said Rolando. “The issue gets nipped in the bud, and letter carriers down the line may never have to deal with the problem in the first place.”

All letter carriers, including CCAs, have rights under the National Agreement, and all letter carriers should ask a steward to enforce those rights if they have been violated or denied.

If other attempts to resolve a dispute or correct a contract violation fail, the steward may decide a grievance is necessary. A grievance is a dispute, difference, disagreement or complaint between the parties related to wages, hours and conditions of letter carriers. The process gives each and every letter carrier an opportunity to have his or her voice heard when management violates letter carrier rights under the National Agreement.

The National Agreement requires grievances be filed within 14 days of when the contract violation took place, so be sure to talk to your steward as soon as possible after you become aware of a problem.

In each grievance, the union asks for a remedy. The remedy request should accomplish a few goals. It should require management to stop violating the contract. It sometimes requires a monetary award to compensate the letter carrier if he or she suffered a loss in pay or some other loss as a result of the contract violation. It is important to give your shop steward all the information about the issue so that he or she can request the appropriate remedy.

The grievance process starts with Informal Step A, which involves the steward discussing the issue with the supervisor. This initial step gives supervisors a chance to fix the problem immediately by talking to the steward without much paperwork.

If the grievance is not resolved at Informal Step A, the union may appeal it to Formal Step A within seven days of

the Informal Step A discussion. At Formal Step A, the NALC branch president and the postmaster (or their designees) are responsible for fully developing the facts of the grievance, exchanging relevant documents and meeting to attempt to resolve the grievance.

If the grievance is not resolved at Formal Step A, the union may appeal the grievance to Step B of the process. The union and management Formal Step A representatives each write their facts and contentions about the issue and send them, along with all relevant documentation, to one of the 58 full-time dispute resolution teams (DRTs). Each DRT is composed of a letter carrier and a manager who consider the evidence, consult the National Agreement and try to resolve the grievance. DRT members are jointly trained on the contract and how to apply its terms to resolve disputes.

If the DRT can't agree and instead reaches an impasse, the national business agent for the region may appeal the grievance to arbitration. An arbitration hearing is held where the union and management present evidence and testimony to a neutral arbitrator. The neutral arbitrator then issues a final and binding written decision on the grievance.

"The list of contract violations we have reversed, or prevented, through the grievance process could fill libraries," Rolando said. "Shop stewards stand up for letter carriers day in and day out by enforcing the contract on the workroom floor. Their work turns a contract written on paper into a living document that protects our rights and makes our jobs better and safer."

A successful process

To make the job of applying the National Agreement even easier, the USPS and NALC publish a *Joint Contract Administration Manual (JCAM)* that clarifies, section by section, the meaning of the contract as agreed upon by both the union and management—often based on the outcome of previous griev-

ances. With the *JCAM* in hand, stewards and managers can settle many disputes quickly. The *JCAM* is available in most post offices and branch offices and on the web at nalc.org/depart/cau.

The NALC process has proven to be one of the best dispute resolution processes among postal unions, or even unions in other industries, Rolando said.

"Our grievances are settled relatively quickly and fairly because everything is disclosed up front," he said. "The process is designed to use the facts to find out what happened, and to use the contract to determine if a violation has taken place and what is needed to remedy the violation. It encourages confronting the problem head-on and preventing it from happening again in the future."

Rolando pointed to the number of cases in arbitration as evidence. Even though NALC is the largest postal union, only a small percentage of grievances from postal employees that go all the way to arbitration involve letter carriers.

Full disclosure of the facts at the beginning of the grievance process generally makes for speedy and fair outcomes—but it also makes a letter carrier responsible for supplying facts, and possibly evidence such as a written statement, up front.

"Your best chance for a successful grievance is to give your steward all the information you have and whatever else he or she needs to build a solid case," Rolando said. "Don't hold anything back for any reason. Help your steward make the best case for you."

Many shop stewards became stewards after seeing the success of the grievance process and wanting to help their fellow letter carriers. "Increased knowledge and understanding of the grievance process among all letter carriers will only make the process more successful going forward and get more letter carriers interested in serving as shop stewards in the future," Rolando said.

If you have further questions about the grievance process, contact your shop steward. **PR**

