

San Antonio Alamo Area Local #195

Continuing Steward Education



Alex Aleman – President
David Z. Hernandez – Vice President

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Prepared by Jeff Greenlee

REPRESENTATION

USPS/APWU Joint

Contract Application

Questions & Answers

SOUTHEAST/SOUTHWEST AREAS

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REQUESTS TO SEE A STEWARD

The San Antonio Alamo Area Local has a settlement dated 12/13/1995, when then Steward Alex Aleman filed a grievance, concerning the denial of A request for a shop steward. The settlement states, **“Upon request by the employee for a shop steward, the steward should be made available to the employee in a timely manner, or normally within 2 hours.”**

JCAM - Normally, 95% of the time, a union steward/employee will be released within two (2) hours of his/her request. If this condition cannot be met, the supervisor will notify the steward/employee of the reasons for the delay. **Normally the steward/employee will be released before the end of the tour. However, if the steward/employee is not released within that time frame, the steward/employee must be released immediately upon the beginning of his/her next tour of duty.** In the event a steward or employee is delayed until their next tour, the steward/employee should notify the supervisor of the prior request.(Source: Area level agreement of the parties)

Employees should be permitted, under normal circumstances, to have a reasonable amount of time to consult with their steward. Reasonable time cannot be measured by a predetermined factor. If a steward or alternate is not available and time limits become an issue, the Postal Service may grant the grievant an extension of time for the grievance.

- ❖ It is very important to follow the proper procedure when members request to see a steward. They should request to see a steward through their immediate supervisor.
- ❖ The supervisor is responsible to coordinate the meeting so that you may speak to the grievant on the clock, during your work hours.
- ❖ Members should not give statements or documents relative to a grievance to members who are not certified as Stewards.
- ❖ The Steward's Office is where the stewards conduct union business on the clock.
- ❖ We should respect the privacy and the rights of our members when they are in the steward's office talking to their union representative.
- ❖ The business of the members should be kept confidential and confined to the steward's office, that is why former stewards and officers should not have access to the Steward's Office.

STEWARDS REQUEST FOR GRIEVANCE PROCESSING TIME

What should occur when a steward requests time to process a grievance or needs additional processing time and the steward is needed on his/her work assignment?

Response: The following applies when time for the immediate or continued release of the steward is not possible:

- ❖ **the supervisor must inform the steward of the reasons for the delay and when time will be available;**
- ❖ **the steward must request the time or additional time needed and provide reasons for that request. All such instances must be dealt with on an individual basis. Such requests cannot be unreasonably denied;**
- ❖ **when a request by an employee for a steward must be delayed, the supervisor should inform the employee of the reasons for the delay and the time when the steward should be available;**
- ❖ **a steward will not be unreasonably required to return to his/her assignment once released to perform Union duties.**

1. When the Union designates stewards and alternate stewards, is it required to specify the order in which they will be utilized?

RESPONSE:

Yes. In keeping with Subsection A, the Union must provide a list of stewards designated for specific work areas. Alternate stewards are to be listed sequentially.

SOURCE: Pre-arbitration settlement in Case H8C-3W-C 22184, dated January 5,1982.

2. How are situations handled in which a grievant requests representation and neither the steward assigned to the work area nor the alternate are available?

RESPONSE:

As employees are not permitted to "shop" for stewards, it is anticipated that the Employer would grant the grievant an extension for filing the grievance in circumstances where neither the steward nor the alternate was available.

SOURCE: Pre-arbitration settlement in Case H8C-3W-C 22184, dated January 5, 1982.

3. Can a Union member employed at one post office be designated as a representative at another post office?

RESPONSE:

Yes. In keeping with Article 17, Sections 2C and 2D, a Union member actively employed in a particular office can be designated to process a grievance at another post office, so long as written certification is provided by the Union to the Employer at the Area level. Such representatives are not entitled to compensation by the Employer and must act, while in this capacity, in lieu of stewards otherwise designated under Sections 17.2A and 17.2B at the facility where the grievance arose.

SOURCE: Pre-arbitration settlement in Case H8N-2B-C 12054, dated May 20, 1982

4. Can a union officer be certified pursuant to the provisions of Section 2.B. to handle, as an example, all Article 7 grievances at stations, city wide?

RESPONSE:

No. The union officer must be certified to handle a specific grievance or to investigate a specific problem. The certification must be in writing and the officer acts in lieu of a steward designated under the formula in Section 2.A. A new certification would be needed for each occurrence.

SOURCE: Article 17, Section 2.B. and Step 4 decision H8C-4E-C 16071, dated July 10, 1980.

5. Is a union officer who was certified in accordance with the provisions of Article 17, Section 2.B. entitled to be compensated

RESPONSE:

Yes, provided he/she is acting in lieu of the certified steward.

SOURCE: Article 17, Section 2.B.

6. Is the union officer who was certified in accordance with Article 17, Section 2.B., entitled to travel time and expenses when traveling between stations and branches for the purpose of performing the duties of a shop steward?

RESPONSE:

No. Article 17 Section 4 does not provide for the payment of travel time.

SOURCE: Pre-arb. settlement of H8C-5D-C 6315, and National Arbitrator Mittenthal's award in case H8N-1A-C 7812.

7. Are union representatives who are certified outside their installation pursuant to Article 17, Sections 2.C. or 2.D. entitled to compensation in accordance with Section 4., "Payment of Stewards?"

RESPONSE:

No. Employees certified in accordance with Sections 2.C. and 2. D. are not to be on the employer's official time and are compensated by the union.

SOURCE: Article 17, Sections 2.C., 2.D. and Pre- arb settlement of case H8N-

8. How should the situations be handled when an employee asks to see a steward or a steward requests time to process or continue processing a grievance and the steward is needed on his/her work assignment ?

RESPONSE:

Normally, 95% of the time, a union steward/employee will be released within two (2) hours of his/her request. If this condition cannot be met, the supervisor will notify the steward/employee of the reasons for the delay. Normally the steward/employee will be released before the end of the tour. However, if the steward/employee is not released within that time frame, the steward/employee must be released immediately upon the beginning of his/her next tour of duty. In the event a steward or employee is delayed until their next tour, the steward/employee should notify the supervisor of the prior request.

SOURCES: Area level agreement of the parties.

9. Is there a remedy when the union proves a steward was improperly denied release in accordance with the above stated criteria ?

RESPONSE:

Yes. Appropriate remedies will vary depending upon the circumstances. However, settlements have been reached where the steward has been compensated for a reasonable amount of time used off-the-clock performing grievance work. This compensation was granted for the first occurrence and was accompanied by a cease and desist instruction. Further violations by the same supervisor/office after a cease and desist could result in overtime payments at the applicable rate of pay. Repeated violations will result in intervention from the USPS Area level and APWU Regional level.

SOURCE: Area level agreement of the parties.

10. Can the Employer require the steward to indicate how much time will be needed to process a grievance?

RESPONSE:

Yes. The parties have agreed that, upon the Employer's request, the steward will provide an estimate of the amount of time he/she may be away from the work area in order to process a grievance.

SOURCES: Step 4 resolution in Case H8C-1M-C 17945, dated February 19, 1982; Award of National Arbitrator Sylvester Garrett in Cases MBNAT-562 and 936, dated January 19, 1977.

11. What is the standard used to determine the amount of time that the steward may be granted to process a grievance?

RESPONSE:

The standard to be applied, under normal circumstances, is that time should be "reasonable." As no predetermined measurement can be made, the question of whether reasonable time was granted must be determined on a case-by-case basis.

SOURCE: Step 4 settlement in Case H1C-3W-C 44345, heard on May 9, 1985.

12. What if the steward cannot be released for the full amount of time required by the steward?

RESPONSE:

If, for example, the steward reasonably requires one hour, but the supervisor needs the steward back after 30 minutes, the supervisor should provide the remainder of the time within a reasonable time frame, normally before the end of the next work day.

SOURCE: Area level agreement of the parties

13. What information may a steward obtain regarding an official discussion that relates to subsequent disciplinary action issued to an employee?

RESPONSE:

If a discussion was relied upon in the issuance of discipline to an employee, to establish that the employee had been advised of his/her responsibilities, the steward may orally obtain the date and subject of that discussion from the supervisor.

SOURCE: Step 4 settlement in Case H4C-4C-C 32156, dated March 24, 1987

14. Does an employee have a right to have a steward present during the course of an investigatory interview or during an interrogation by the Inspection Service?

RESPONSE:

Yes. In those circumstances in which the employee is involved in an investigatory interview which he/she reasonably believes will result in discipline against him/her, and the employee requests representation, the Employer must provide a representative if the interview is to continue. If an employee requests a steward or Union representative to be present during the course of an interrogation by the Inspection Service, such requests will be granted.

SOURCE: Step 4 remand with language in Case H1N-5D-C 26954, dated May 17, 1985, and Article 17 Section 3.

15. Can stewards interview postal inspectors in the course of the union's investigation?

RESPONSE:

Yes. Stewards can interview postal inspectors with regard to events upon which a disciplinary action was based when the postal inspectors actually observed those events.

SOURCE: Pre-arbitration settlement in Case N8-N-0224.

16. Can stewards interview employees of other crafts in the course of a grievance investigation?

RESPONSE:

Yes. So long as the grievance being investigated is relevant to the steward's craft, and the conditions of Section 3 are met, the steward has the right to interview other craft employees. If the grievance is not relevant to the steward's craft, however, the provisions of Section 2, Subsections B and E must be applied.

SOURCE: Step 4 remand with language in Case H1T-5H-C 28879, dated June 7, 1985.

17. Can a steward be present while an employee is being given an official discussion about an employment deficiency?

RESPONSE:

No.

SOURCE: Area level agreement between the parties.

19. Can stewards use cameras to photograph mail processing operations?

RESPONSE:

No. The parties agreed that Article 17 does not permit the use of camera equipment by the steward to photograph mail processing operations or postal premises.

SOURCE: Pre-arbitration settlement in Case H8C-3W-C 22224, dated February 19, 1982.

20. Do the payment procedures cover time spent by a steward in writing an appeal to Step 3?

RESPONSE:

Yes. The writing of grievance appeals to Step 3 is included in the term "grievance handling."

SOURCE: Award of National Arbitrator Richard Mittenthal in Cases A8-E-0021 and 0022, dated December 10, 1979.

21. Is there a set amount of time to which the Union is entitled to address employees during orientation?

RESPONSE:

No. The parties have agreed that the Union will be provided with "ample opportunity" to address new employees during orientation.

SOURCE: Step 4 remand with language in Case H4C-35-C 60130, dated December 23, 1987.

22. What explanation should an employee give to his/her supervisor in order to be released?

RESPONSE:

If requested, the general nature of the grievance.

SOURCE: Step 4 H1C-3W-C-31937, dated July 26, 1984.

24. Is a Step 1 work sheet filled out on-the-clock?

RESPONSE:

Yes.

SOURCE: Step 4 H1C-3P-C-6922, dated August 20, 1982. Page 111

25. Can a grievant accompany a steward during a Step 1 investigation ?

RESPONSE:

No.

SOURCE: Step 4 H1N-3U-C-36133, dated January 15, 1985.

28. Does a steward have the right on the clock to do such things as copy, log, and convert information?

RESPONSE:

Yes, stewards are entitled to reasonable investigative time on-the-clock for handling grievances and such investigative time could conceivably include the mechanics of copying, logging, or converting of information from original documents to graphs, forms, notes, etc.

SOURCE: Step 4 H8C-3D-C-21690, dated August 4, 1981.

29. Does a steward have the right to review documents on the clock rather than to obtain copies?

RESPONSE:

Yes.

SOURCE: Step 4 H4N-3W-C-27743, dated May 1, 1987.

30. Is steward duty time authorized for FECA problems (OWCP related issues)?

RESPONSE:

No, not in the filing or processing of OWCP appeals; however, the employee or steward would still have the right to grieve contractual disputes.

SOURCE: Mahon letter to Burrus dated July 27, 1988; Howard letter to field dated April 20, 1988.

32. Are union stewards entitled to copies of bargaining unit employee medical records when such records are relevant to a grievance ?

RESPONSE:

Yes. Relevant medical records should be released per the provisions of the EL-806.

SOURCE: EL-806, Section 223 and ASM, Part 120.090.

33. Must union stewards have written authorization for access to a grievant's and/or other employee's relevant medical records?

RESPONSE:

No. The procedures in Section 223.3 of the EL-806 must be followed.

SOURCE: Area level agreement between the parties.

34. Can a steward on overtime investigate a grievance?

RESPONSE:

Requests for additional time to process grievances should be dealt with on an individual basis and shall not be unreasonably denied. Management will not delay a union steward time to perform union duties based solely on the fact that the steward is in an overtime status.

SOURCE: Step 4 H4C-5K-C-7100, dated September 4, 1987.

35. Does a steward have the right to be represented by another steward ?

RESPONSE:

Yes. A steward, just as any other employee, has a right to representation by another steward.

SOURCE: Step 4 H1C-3W-C-41731, dated February 15, 1985.

36. May a union member in one post office (installation) be designated as the union's representative to process a grievance at another post office ?

RESPONSE:

Yes. Such an employee must be certified in writing to the employer at the Area level. The employee so certified will not be on the employer's official time and will be compensated by the union.

SOURCE: Pre-arbitration settlement H8N-2B-C- 12054, dated May 20, 1982; Article 17.2 of the Collective Bargaining Agreement.

37. If requested, is it required that the union be allowed to participate in new employee orientation?

RESPONSE:

Yes. This includes Transitional Employee orientation.

SOURCE: Article 17.6 of the Collective Bargaining Agreement.

38. Can new employees fill out Dues Check-off Form 1187 during orientation?

RESPONSE:

Yes.

SOURCE: Step 4 H1C-5K-C-424, dated April 19, 1984; Step 4 H4N-4J-C-2536

THE END