



STEP B DECISION

Step B Team: Davis/Shalz
District: Mid-America

Decision: **RESOLVED**
USPS Number: E01N4ED06156630
Local Union #: KC3006-136
Installation: Raytown Station
Kansas City MO 64133
NALC Branch: #30
Date Step A Initiated: 06/22/06
Step A Meeting Date: 07/18/06
Date Received at Step B: 07/19/06
Step B Decision Date: 07/27/06
USPS Issue Code: 16.1010, 65.0750
NALC Issue Code: 00006
Grievant: Brian Morrill

Formal Step A Representatives are responsible for disseminating this Step B Decision back to the Informal Step A Designees

ISSUE: The Step B Team has reframed the issue as follows:

Was there Just Cause for the Fourteen Day Suspension dated 06/16/06 issued to the Grievant for Failure to Follow Instructions, and if not, what is the appropriate remedy?

DECISION:

The Dispute Resolution Team has **RESOLVED** this grievance by determining that the Fourteen Day Suspension was issued untimely. The Fourteen Day Suspension will be rescinded and purged from all files.

EXPLANATION:

The Union contends that Management failed to issue the Grievant discipline in a timely manner and therefore the discipline is without Just Cause. The Union further claims that the parties agree that there was no attempt on the part of the Grievant to deceive anyone. He reported the accident as soon as he was informed by his doctor that his back pain was caused by a new injury and not related to his prior FMLA condition pertaining to his back. Lastly, that the Grievant slipped and fell while on break and did not realize that having an accident while on break would qualify as an on the job injury.

There were no contentions or position statements included in the file from either the USPS Informal or Formal Step A Representatives.

Management was notified by phone on 05/11/06 that the Grievant had an on the job accident on 04/24/06. The discipline for the Grievant's failure to immediately report the accident (Failure to Follow Instructions) was issued on 6/16/06. This is 36 days after Management was made aware that he Grievant was claiming to have had an accident while on duty.

The Step B Team has agreed that barring any unforeseen circumstances, discipline should be issued within 30 days from the date of the infraction. Management failed to address any unforeseen circumstances pertaining to the issuance of this discipline.

David Davis
NALC Step B Representative

cc: Arthur Buck, NBA-NALC
Steve Morrison, USPS Formal Step A
Troy Smith, NALC Formal Step A

Don Shalz
USPS Step B Representative

K.A. DeHate Jr., Mgr. Area LR
Dennis Teffner, MGR, HR
Labor Relations, GATS



STEP B DECISION

Step B Team: Davis/Shalz
District: Mid-America

Decision: **RESOLVED**
USPS Number: E01N4ED06181254
Local Union #: KC3006-149
Installation: Hodge Park Station
Kansas City MO 64156
NALC Branch: #30
Date Step A Initiated: 07/21/06
Step A Meeting Date: 09/29/06
Date Received at Step B: 10/03/06
Step B Decision Date: 10/11/06
USPS Issue Code: 16.1010, 62.0100
NALC Issue Code: 00001
Grievant: Debbie Leimkuhler

Formal Step A Representatives are responsible for disseminating this Step B Decision back to the Informal Step A Designees

ISSUE:

Was there Just Cause for the Notice of Suspension (no time off) of 14 days or less dated 07/03/06 issued to the Grievant for Failure to Meet Attendance Requirements, and if not, what is the appropriate remedy?

DECISION:

The Dispute Resolution Team has **RESOLVED** this grievance by determining that the discipline was issued untimely and therefore will be reduced to an official job discussion.

EXPLANATION:

The Union contends that the discipline issued to the Grievant is grossly excessive when taking the Grievant's attendance record into account. The three tardies listed in the notice were for less than 4 minutes late each. These tardies happened on three consecutive days when the Grievant was having a problem with her childcare situation. The problem has been resolved and the Grievant has not sustained anymore tardies. Lastly, the Union contends that this discipline was issued 41 days after the last cited absences and therefore was not issued in a timely manner.

Management claims that the DAP was mailed to Labor Relations on 06/05/06 and was received back at the delivery unit on 06/28/06. This was within the agreed upon 30 day time limit to issue discipline and that after June 28, 2006, the additional time taken to issue the discipline was due to one or the other party having annual leave scheduled or non-scheduled days off.

It has been agreed to, that barring any unforeseen circumstances, discipline issued to an employee should be issued within 30 days of the triggering event that lead to the discipline. The last cited absence on the notice of suspension was 05/30/06. The discipline was not issued until 07/10/06. From the file submitted, it appears there were days that the discipline could have been issued prior to 41 days elapsing.

David Davis
NALC Step B Representative

cc: Arthur Buck, NBA-NALC
Randy Stalker, USPS Formal Step A
R. J. Koerperich, NALC Formal Step A

Don Shalz
USPS Step B Representative

K.A. DeHate Jr., Mgr. Area LR
Dennis Teffner, MGR, HR
Labor Relations, GATS



STEP B DECISION

Step B Team: Davis/Shalz
District: Mid-America

Decision: **RESOLVED**
USPS Number: E01N4ED07321881
Local Union #: 195-0743
Installation: Main Office
St. Joseph MO 64501
NALC Branch: #195
Date Step A Initiated: 08/24/07
Step A Meeting Date: 12/26/07
Date Received at Step B: 01/02/08
Step B Decision Date: 01/14/08
USPS Issue Code: 16.1010, 650750
NALC Issue Code: 00056
Grievant: Michael Mabion

Formal Step A Representatives are responsible for disseminating this Step B Decision back to the Informal Step A Designees

ISSUE: The Step B team has reframed the issue as follows:
Was there Just Cause for the 14-Day Suspension dated 07/19/07 issued to the Grievant for Failure to Scan a Collection Box, and if not, what is the appropriate remedy?

DECISION:

The Dispute Resolution Team has **RESOLVED** this grievance by determining that the discipline issued to the Grievant was untimely issued. The 14-Day Suspension will be rescinded and purged from all files.

EXPLANATION:

From the file submitted, management alleges that the Grievant failed to scan a collection box on 06/29/07. A pre-disciplinary meeting was held on 06/30/07, the very next day after the alleged infraction. The discipline was not issued to the Grievant until 08/03/07 this is 35 days past the alleged infraction date.

During recent DRP training conducted for Mid America District it was explained that under normal circumstances discipline should be issued within 30 days of the alleged infraction barring any unforeseen circumstances. The union has claimed that the discipline that is the subject of this grievance was untimely issued. Management did not address the issue of timeliness and offered no extenuating or unforeseen circumstances that may have delayed the issuance of this discipline.

On page 16-2 of the JCAM one of the tests of Just Cause reads as follows:

• **Was the disciplinary action taken in a timely manner?**

Disciplinary actions should be taken as promptly as possible after the offense has been committed.

The file submitted did not indicate that there was an ongoing investigation or give any reason why it took management 35 days after the alleged infraction to issue the Grievant discipline. Therefore, this discipline will be rescinded and purged from all files as being untimely issued.

David Davis
NALC Step B Representative

cc: Mike Weir, NBA-NALC
Sharon Lucas, USPS Formal Step A
Dustin Hassler, NALC Formal Step A

Don Shalz
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