

FROM A TO ARBITRATION

EPISODE 38-THE JSOV ISSUE AND REMEDY



ISSUE STATEMENTS AND REMEDIES

- THE ISSUE STATEMENT IS THE MOST IMPORTANT THING ON THE GRIEVANCE
- THE REMEDY IS THE ACTION THAT WE WOULD LIKE TO SEE HAPPEN
- WHEN AN ARBITRATOR SITS DOWN TO A CASE FILE, THEY CAN SEE RIGHT AWAY IF IT IS A CONTRACTUAL OR DISCIPLINE CASE JUST BY THE ISSUE STATEMENT
- THEY CAN ALSO SEE WHAT THE UNION OR MANAGEMENT THINKS WAS VIOLATED AND THE REMEDY THAT EITHER PARTY IS ASKING FOR
- REMEMBER THAT THE ISSUE STATEMENT AND THE REMEDY SHOULD MIRROR EACH OTHER

EXAMPLES OF ISSUE STATEMENTS

DID MANAGEMENT VIOLATE ARTICLE 16 AND SECTION 115 OF THE M-39 HANDBOOK VIA ARTICLE 19 OF THE NATIONAL AGREEMENT WHEN A NOTICE OF REMOVAL, DATED XX-XX-XXXX, WAS ISSUED TO CITY CARRIER JOHN DOE FOR FAILURE TO ABIDE BY THE TERM OF A LAST CHANCE AGREEMENT, AND IF SO, WHAT SHOULD THE REMEDY BE?

DID MANAGEMENT VIOLATE ARTICLE 16.5 OF THE NATIONAL AGREEMENT WHEN THEY FAILED TO GIVE GRIEVANT CITY LETTER CARRIER JOHN DOE A 30-DAY WRITTEN NOTICE OF CHARGES AGAINST HIM AND EITHER STAY ON THE JOB OR STAY ON THE CLOCK, AND IF SO, WHAT SHOULD THE REMEDY BE?

DID MANAGEMENT VIOLATE ARTICLE 15.2 WHEN SUPERVISOR JANE DOE, AT INFORMAL A, DID NOT HAVE AUTHORITY TO SETTLE THE GRIEVANCE, AND IF SO, WHAT SHOULD THE REMEDY BE?

DID MANAGEMENT VIOLATE ARTICLES 17 AND 31 OF THE NATIONAL AGREEMENT, STEP B DECISION #XXXX AND ARBITRATION AWARD #XXXX, BY FAILING TO GIVE THE UNION INFORMATION IN A TIMELY MANNER, AND IF SO, WHAT SHOULD THE REMEDY BE?

DID MANAGEMENT VIOLATE ARTICLES 17 AND 31 OF THE NATIONAL AGREEMENT, STEP B DECISION #XXXX, ARBITRATION AWARD #XXXX, AND M DOCUMENT 988 BY FAILING TO GIVE THE UNION INFORMATION THAT WAS REQUESTED, AND IF SO, WHAT SHOULD THE REMEDY BE?

DID MANAGEMENT VIOLATE ARTICLE 16.8 OF THE NATIONAL AGREEMENT WHEN THEY FAILED TO PERFORM PROPER REVIEW AND CONCURRENCE, AND IF SO, WHAT SHOULD THE REMEDY BE?

WHAT WAS WRONG WITH THOSE STATEMENTS?



- WHAT ARTICLE DID WE FORGET TO PUT INTO THOSE STATEMENTS?
- WHEN YOU PUT IN YOUR ISSUE STATEMENT THAT YOU ALREADY HAVE OTHER SETTLEMENTS ON THIS VERY ISSUE YOU HAVE TO INCLUDE ARTICLE 15 TO YOUR ISSUE STATEMENT
- WHY? BECAUSE AN ADVOCATE CAN NOT GET YOU AN ESCALATED MONETARY AWARD IF ARTICLE 15 IS MISSING FROM YOUR ISSUE STATEMENT
- ANYTIME YOU HAVE A NON-COMPLIANCE OF A SIGNED GRIEVANCE SETTLEMENT MAKE SURE THAT YOU PUT IN YOUR STATEMENT M-1517 "THE DONAHOE LETTER"

ISSUE STATEMENT:
DID MANAGEMENT VIOLATE
ARTICLES 17 AND 31 OF THE
NATIONAL AGREEMENT, STEP B
DECISION #XXXX,
ARBITRATION AWARD #XXXX,
AND M DOCUMENT 988 BY
FAILING TO GIVE THE UNION
INFORMATION THAT WAS
REQUESTED, AND IF SO, WHAT
SHOULD THE REMEDY BE?



- IN THIS STATEMENT WE SHOULD HAVE ADDED ARTICLE 15, 17, 19, VIA M-1517, AND 31 TO THIS STATEMENT
- ARTICLE 15 DEALS WITH NON-COMPLIANCE
- ARTICLE 19 LETS YOU GET INTO HANDBOOKS, MANUALS AND DOCUMENTS
- AND THE M-1517 LETTER FROM POSTMASTER GENERAL DONAHOE WHO IS TELLING MANAGEMENT THAT THEY BETTER BE FOLLOWING SIGNED AND SETTLED GRIEVANCES AND AWARDS OR ELSE.
- ARTICLE 31 DEALS WITH UNION-MANAGEMENT COOPERATION

THE REMEDY WE REQUESTED

- THE NOTICE OF REMOVAL BE RESCINDED AND THE GRIEVANT BE COMPENSATED FOR LOST WAGES AND OR WHATEVER AN ARBITRATOR DEEMS APPROPRIATE
- WE'VE GOT SIX THINGS ON OUR ISSUE STATEMENT, AND THEY SHOULD ALL BE ADDRESSED BY THE REMEDY
- THERE WAS NO REMEDY ASKED FOR ARTICLE 17 AND 31, OR THE 16.8 OR 16.5
- HOW CAN AN ADVOCATE ARGUE FOR A REMEDY THAT IS NOT CITED IN THE CASE FILE?
- MANAGEMENT'S SIDE WILL ARGUE THAT THE UNION DID NOT EVEN REQUEST THAT A REMEDY BE GIVEN FOR ALL OF THE CONTENTIONS THAT WERE MADE FOR THOSE ARTICLES

BE CAREFUL WITH YOUR ISSUE & REMEDIES

- WE ARE HELD TO THAT REMEDY THAT WE ASKED FOR
- BY NOT HAVING ALL OF THE CONTENTIONS IN YOUR REMEDY YOU ARE PLACING THE ADVOCATE IN A VERY BAD SPOT.
- YOU CAN RECTIFY THIS BY SIMPLY PUTTING “ OR WHATEVER AN ARBITRATOR DEEMS APPROPRIATE”
- BY STATING THIS THE STEWARD NOW HAS LEFT THIS UP TO THE ARBITRATOR TO MAKE A REMEDY THAT THEY DEEM APPROPRIATE.

BETTER HAVE THE PROOF

- ANYTHING THAT YOU CAN PROVE, PUT THAT INTO YOUR ISSUE. IF YOU CAN NOT PROVE IT, DO NOT PUT IT IN YOUR ISSUE STATEMENT
- IF YOU ARE USING A PRE-MADE TEMPLATE, MAKE SURE THAT YOU ARE READING EVERY WORD THAT IS IN THERE. IF A STATEMENT, ISSUE OR REMEDY DOES NOT FIT YOUR GRIEVANCE, TAKE IT OUT

SNEAKY PETE AND THE HORNETS

- WHEN YOU GO AFTER A SUPERVISOR WITH THE JSOV PROCESS, THEY WILL TURN INTO A HORNET AND NOT LET YOU BE. THEY WILL TRY TO INTIMIDATE THE STEWARD TO BACK DOWN, THEY WILL TRY TO TURN OTHER CARRIERS AGAINST THE STEWARD WITH LIES, ANYTHING THEY CAN DO TO NOT HAVE A JSOV GRIEVANCE AGAINST MANAGEMENT THEY WILL DO IT
- DO NOT TRUST THAT THEY MEAN WHAT THEY SAY, BECAUSE THEY DON'T. THEY WILL BE SNEAKY AND TRY TO MAKE YOU THINK THAT THEY ARE DOING WHAT THEY ARE SUPPOSED TO DO, BUT IN REALITY, THEY ARE DOING THINGS BEHIND THE SCENES THAT ARE SNEAKY LIKE PETE

EXAMPLE

- IN A CASE WHERE A SUPERVISOR ASSAULTS A SHOP STEWARD, HE GRABS HER ARM, SHE FALLS TO THE GROUND, SHE'S SCREAMING. HE LEAVES BRUISES AND SCRATCHES ON HER ARM. THE STEWARD CALLS THE POLICE AND THE AMBULANCE THEY COME TO THE SCENE.
- MANAGEMENT REMOVES THIS SUPERVISOR FROM THE POSTAL SERVICE. THEY SERVE HIM WITH A NOTICE OF REMOVAL. THE DISTRICT MANAGER IS THE ONE ON THE REMOVAL AND HE IS DAMNING THIS SUPERVISOR'S BEHAVIOR. STATING THAT THIS WILL NOT BE TOLERATED AND THAT THE SUPERVISOR HAS NO BUSINESS BEING AT THE POSTAL SERVICE AND THAT THEY SHOULD BE REMOVED IMMEDIATELY.

EXAMPLE, CONTINUED

- THE UNION STILL GOES FORWARD WITH THE GRIEVANCE AND MANAGEMENT HANDS THE REMOVAL TO THE UNION AND SAYS THAT ALL OF THIS IS A MUTE POINT NOW BECAUSE THEY HAVE REMOVED THE SUPERVISOR. THE UNION DIDN'T BUY AND STILL WENT FORWARD WITH THE GRIEVANCE
- BEFORE THE ARBITRATION OF THE GRIEVANCE HOWEVER, THE REMOVAL CASE GOES TO MSPB AND WHEN THEY ARE IN MEDIATION THE POSTAL SERVICE BRINGS THE SUPERVISOR BACK TO WORK WITH A LETTER OF WARNING. MEANING THAT ALL OF THAT WAS A GUISE, IT WAS A CHARADE. ANYTHING TO GET THE UNION OFF OF THE MANAGER FOR THE JSOV VIOLATION



BEING THE BEE CATCHER

- WHEN THE STEWARD IS TURNING IN INFORMATION REQUESTS FOR A JSOV GRIEVANCE, MANAGEMENT WILL KNOW WHAT THE GRIEVANCE IS AND THEY WILL TRY TO GET YOU OFF OF THEM, JUST LIKE YELLOW JACKETS
- JUST KEEP GOING. DO NOT STOP. DO NOT LET UP
- THEY ARE LOW DOWN SORRY AND DOING WHATEVER THEY CAN TO GET YOU TO STOP
- THEY ARE LEGITIMATELY DISHONEST AND TRIFLING

ARBITRATION # C-35441

- IF YOU GET A RELEVANCY LETTER THIS SHOULD BE IN YOUR CASE FILE ALONG WITH THE TEMPLATE
- ANYTIME YOU ARE ASKING FOR DISCIPLINE ON MANAGEMENT, YOU WILL PROBABLY END UP GETTING A RELEVANCY LETTER
- AS LONG AS YOU CAN EXPLAIN WHY YOU NEED THE DOCUMENTATION THAT YOU REQUESTED, YOU SHOULD BE FILING AN ARTICLE 17 & 31 GRIEVANCE, MAKING SURE C-35441 IS IN THE CASE FILE, WHEN YOU RECEIVE THE RELEVANCY LETTER

ARBITRATION C-35122

- AWARD
- THE GRIEVANCE IS SUSTAINED. MANAGEMENT, SPECIFICALLY POSTMASTER KIRBY RAGSDALE, VIOLATED THE NATIONAL AGREEMENT, IN PARTICULAR, THE JOINT STATEMENT ON VIOLENCE AND BEHAVIOR IN THE WORKPLACE, BY THE PATTERN OF BEHAVIOR EXHIBITED PRIOR TO, AND ON THE INCIDENT DATE, JANUARY 27, 2020. THE POSTMASTER'S HISTORY OF BULLYING AND INTIMIDATION, AT THE EXPENSE OF "MAKING THE NUMBERS", HIS ONLY DEFENSE, WAS A VIOLATION OF THE PARTIES' INTENT IN THE JSOV, AS WELL AS THE POSTAL SERVICE'S POLICY ON WORKPLACE HARASSMENT AND THE OTHER POSTAL POLICIES CITED. THE UNION'S REQUESTED REMEDY, AS DEFINED IN THE BODY OF THIS DECISION IS HEREBY AWARDED. THIS ARBITRATOR SHALL RETAIN JURISDICTION FOR A PERIOD OF 120 DAYS TO ENSURE COMPLIANCE WITH THIS AWARD.
- GLENDA M. AUGUST- ARBITRATOR

ISSUE STATEMENTS

- 1. DID MANAGEMENT SPECIFICALLY (**INSERT MANAGER NAME**) , VIOLATE JOINT STATEMENT ON VIOLENCE AND BEHAVIOR IN THE WORKPLACE, THE POSTAL SERVICE POLICY ON WORKPLACE HARASSMENT, THE MISSISSIPPI PERFORMANCE CUSTOMER WORKPLACE VIOLENCE ZERO TOLERANCE POLICY, SECTION 115.4 OR THE M-39 HANDBOOK, AND SECTION 665.24 OF THE ELM VIA ARTICLE 14, 15, AND 19 OF THE NATIONAL AGREEMENT WITH HIS ACTION ON (**INSERT DATE HERE**) , AND IF SO, WHAT IS THE REMEDY?

ISSUE STATEMENTS CONT..

- 2. DID MANAGEMENT, SPECIFICALLY (**INSERT MANAGER NAME**) VIOLATE THE JOINT STATEMENT ON VIOLENCE AND BEHAVIOR IN THE WORKPLACE, THE POSTAL SERVICE POLICY ON WORKPLACE HARASSMENT, THE (**YOUR DISTRICT**) PERFORMANCE CLUSTER WORKPLACE VIOLENCE ZERO TOLERANCE POLICY, SECTION 115.4 OF THE M-39 HANDBOOK, AND SECTION 665.24 OF THE ELM VIA ARTICLE 14, 15, AND 19 OF THE NATIONAL AGREEMENT BY THE PATTERN OF BEHAVIOR HE HAS EXHIBITED AND IF SO, WHAT IS THE REMEDY?

ISSUE STATEMENTS CONT..

- 3. DID MANAGEMENT AT THE (INSERT YOUR OFFICE) INSTALLATION VIOLATED ARTICLE 15.3 OF THE NATIONAL AGREEMENT ALONG WITH POSTAL SERVICE POLICY LETTER M-01517 BY FAILING TO COMPLY WITH FORMAL A SETTLEMENT FOR GRIEVANCE# 938/J-5/2017 AND IF SO, WHAT SHOULD THE REMEDY BE?

ISSUE STATEMENTS CONT..

- 4. DID MANAGEMENT SPECIFICALLY (INSERT MANAGER NAME HERE) VIOLATE ARTICLE 15.3 OF THE NATIONAL AGREEMENT ALONG WITH POSTAL SERVICE POLICY LETTER M-01517 BY FAILING TO COMPLY WITH THE PRE-ARBITRATION SETTLEMENTS FOR GRIEVANCE NUMBERS GI6N-4G-C19265929, ALONG WITH STEP B DECISIONS FOR GRIEVANCE NUMBERS H01N-4H-C08011918, H06N-4H-C09140703, G11N- 4G-C14338197, G11N-4G-C1705143, GL6N-4G-C18197136 AND G16N-4G-C19097639, AND IF SO, WHAT SHOULD THE REMEDY BE?

ISSUE STATEMENTS CONT..

- 5. DID MANAGEMENT AT THE (YOUR CITY) POST OFFICE VIOLATE ARTICLES 15, 17, AND 31 OF THE NATIONAL AGREEMENT BY FAILING TO FURNISH RELEVANT REQUESTED INFORMATION TO THE UNION IN A TIMELY AND IF SO, WHAT SHOULD THE REMEDY BE?
- THIS SHOULD BE USED IF THE STEWARD WAS NOT GIVEN ANY/ALL OF THE INFORMATION THAT WAS REQUESTED

REMEDIES ON A JSOV CASE

- 1. THAT MANAGEMENT AT THE (YOUR CITY HERE) STATION CEASE AND DESIST VIOLATING THE JOINT STATEMENT ON VIOLENCE AND BEHAVIOR IN THE WORKPLACE VIA ARTICLES 14, 15, AND 19 OF THE NATIONAL AGREEMENT.
- 2. THAT MANAGEMENT AT THE (YOUR CITY HERE) STATION CEASE AND DESIST VIOLATING THE POSTAL SERVICE'S POLICY ON WORKPLACE HARASSMENT VIA ARTICLES 14, 15, AND 19 OF THE NATIONAL AGREEMENT.
- 3. THAT MANAGEMENT AT THE (YOUR CITY HERE) STATION CEASE AND DESIST VIOLATING THE (YOUR DISTRICT HERE) PERFORMANCE CLUSTER WORKPLACE VIOLENCE/ZERO TOLERANCE POLICY VIA ARTICLES 14,15, AND 19 OF THE NATIONAL AGREEMENT. ·
- 4. THAT MANAGEMENT AT THE (YOUR CITY HERE) STATION CEASE AND DESIST VIOLATING SECTION 115.4 OF THE M-39 HANDBOOK VIA ARTICLES 14, 15, AND 19 OF THE NATIONAL AGREEMENT.
- 5. THAT MANAGEMENT AT THE (YOUR CITY HERE) STATION CEASE AND DESIST VIOLATING SECTION 665.24 OF THE ELM VIA ARTICLES 14, 15, AND 19 OF THE NATIONAL AGREEMENT.
- 6. THAT MANAGEMENT AT THE (YOUR CITY HERE) STATION CEASE AND DESIST VIOLATING ARTICLE 15.3 OF THE NATIONAL AGREEMENT AND M-01517 BY FAILING TO COMPLY WITH GRIEVANCE SETTLEMENTS.
- 7. THAT MANAGEMENT AT THE (YOUR CITY HERE) STATION CEASE AND DESIST VIOLATING ARTICLES 17 AND 31 OF THE NATIONAL AGREEMENT.

REMEDIES CONT...

- 8. THAT BRANCH 938 BE PAID A LUMP SUM OF \$500.00 FOR MANAGEMENT'S VIOLATION OF ARTICLES 15, 17, AND 31 OF THE NATIONAL AGREEMENT, AND M-01517.
- 9. THAT SUPERVISOR (INSERT NAME HERE) BE IMMEDIATELY REMOVED FROM HER SUPERVISORY DUTIES AND RETURNED TO HER ORIGINAL CRAFT POSITION FOR HER INABILITY TO MAINTAIN AN ATMOSPHERE OF MUTUAL RESPECT AND HER INABILITY TO FOSTER A WORK ENVIRONMENT FREE FROM BULLYING, HARASSMENT, AND INTIMIDATION.
- 10. THAT SUPERVISOR (INSERT NAME HERE) BE IMMEDIATELY REMOVED FROM HIS SUPERVISORY DUTIES AND RETURNED TO HIS ORIGINAL CRAFT POSITION FOR HIS INABILITY TO MAINTAIN AN ATMOSPHERE OF MUTUAL RESPECT AND HIS INABILITY TO FOSTER A WORK ENVIRONMENT FREE FROM BULLYING, HARASSMENT, AND INTIMIDATION.
- 11. THAT (INSERT NAME HERE) BE IMMEDIATELY REMOVED FROM HIS MANAGERIAL POSITION AT THE HATTIESBURG DOWNTOWN STATION AND NOT BE ALLOWED TO SUPERVISE/MANAGE CITY LETTER CARRIERS DIRECTLY OR INDIRECTLY.
- 12. THAT (NAME OF DISTRICT) DISTRICT MANAGER (INSERT NAME HERE), MPOO (NAME) AND POSTMASTER (NAME) BE INSTRUCTED TO WRITE A LETTER OF APOLOGY TO THE CITY CARRIERS OF THE (YOUR CITY HERE) STATION FOR THEIR LACK OF ACTION REGARDING THE ENVIRONMENT AT THE (YOUR CITY HERE) STATION. THIS LETTER SHOULD BE POSTED IN A CONSPICUOUS LOCATION AT ALL (IF MORE THAN ONE OFFICE, CITIES HERE) FOR A PERIOD OF AT LEAST 90 DAYS.
- 13. THAT MANAGEMENT BE INSTRUCTED TO IMPLEMENT ALL OF THE RECOMMENDATIONS CONTAINED IN THE JANUARY 23RD, 2018 CLIMATE SURVEY REPORT WITHIN 30 DAYS FROM THE DATE OF THE SETTLEMENT OF THIS GRIEVANCE.
- 14. THAT MANAGEMENT BE INSTRUCTED NOT TO RETALIATE IN ANY WAY AGAINST ANY CITY LETTER CARRIER WHO PARTICIPATED IN INTERVIEWS OR SUBMITTED WRITTEN STATEMENTS IN THE INVESTIGATION AND PROCESSING OF THIS GRIEVANCE.

SOME THOUGHTS

- MAKE SURE THAT YOU DOCUMENT EVERYTHING
- ALWAYS LEAVE NO DOUBT THAT THIS WAS IN VIOLATION BY USING DOCUMENTATION
- AT THE INFORMAL STEP A YOU ARE THE FOUNDATION OF THE GRIEVANCE. YOU HAVE 14 DAYS TO BUILD A STURDY FOUNDATION FOR THE HOW THE WAY THE GRIEVANCE WILL BE BUILT
- FORMAL A IS THE MOST KNOWLEDGEABLE OF ALL THE STEPS. CONTRACTUALLY YOU HAVE TO BE THE MOST SOUND. YOU HAVE TO MAKE SURE THAT ALL THE ARGUMENTS ARE MADE AND PUT IN WHAT WAS POSSIBLY MISSED.

MORE THOUGHTS

- THE B-TEAM IS THE MAYONNAISE ON THE SANDWICH. THEY PUT IN THE LITTLE THINGS THAT ACCENTUATE THE ARGUMENTS THAT ARE ALREADY MADE.
- THE ADVOCATES HAVE TO BE THE QUICKEST. THE ORCHESTRA LEADER. GOT TO HAVE A GOOD MEMORY AND STUDY AND KNOW THAT WHOLE CASE FILE. HAVE YOUR CITES READY FOR ARGUMENTS
- ALWAYS HAVE YOUR CORE GROUP AND ASK FOR HELP ALWAYS
- YOU ARE NOT IN THIS ALONE
- NEVER BELITTLE ANYONE WHO IS TRYING TO HELP, ANYONE WHO IS STEPPING UP TO BE A NEW STEWARD, HELP THEM

SOME TIPS TO HELP

- EVERY ARTICLE, LETTER, POSTAL POLICY, PRE-ARB, ARBITRATION, OR WHATEVER YOU CITE IN YOUR ISSUE STATEMENTS NEEDS TO BE IN YOUR FACTS AND CONTENTIONS.
- LABEL YOUR GRIEVANCE WITH HEADERS. I. ISSUES II. CONTRACT PROVISIONS III. FACTS ETC....
- ALWAYS ASSUME THE PERSON WHO IS DECIDING THE GRIEVANCE HAS NO IDEA ABOUT WHAT YOU ARE SAYING. I.E., POSTAL TERMS SUCH AS T-6 OR WHICH CARRIER IS ON WHAT ROUTE. BE VERY CLEAR AND VERY SPECIFIC.
- IF YOU HAVE BAD WRITING, TYPE OUT AS MUCH AS YOU CAN, BUT ALSO INCLUDE YOUR ORIGINAL NOTES
- ALWAYS HAVE SOMEONE PROOFREAD YOUR WORK. WHAT MAKES SENSE TO YOU MAY NOT MAKE SENSE TO SOMEONE ELSE. USE SPELL CHECK. ALWAYS!