

## GUIDELINES FOR FILING A GRIEVANCE

The USPS-NRLCA Joint Step 1 Grievance Form (PS Form 8191) is a Postal Service supply item and should always be used to establish that a formal grievance has been filed following a discussion with one's immediate supervisor. Each post office is able to furnish these forms since they are an official USPS form and they are available through supply or on the postal intranet.

**The filing of a grievance is neither encouraged nor discouraged, nor will consequences arise from the filing of any grievance.**

### FILING A GRIEVANCE

All grievances must be filed by the affected carrier and not the steward, unless more than one carrier is affected, at which time a certified steward may file a Class Action grievance for all affected carriers. Individual carriers may ask to have a steward present, provided the office has a certified local steward, to help facilitate the filing of a grievance. It again is noted that any carrier aggrieved by an issue must have his or her own discussion to deal with any issue and formally file a grievance if that is the course of action deemed necessary.

There are two stages to the Step 1 Grievance Process. The **first** stage is an informal **discussion** and must be initiated by the individual employee. The **second** stage is the formal **meeting** between a certified steward and the Postmaster, manager, or Step 1 designee.

#### THE FIRST STAGE--An informal discussion

The initial stage is informal and consists of a discussion between the aggrieved employee and their immediate supervisor - there is no need to cite a contract article at this discussion though Article 15.2 is an all-encompassing contract article that establishes the basis for the filing of any grievance. A discussion must take place between the aggrieved employee and the employee's immediate supervisor within 14 days of the date on which the employee or the Union has learned or may reasonably have been expected to learn of the need to file a grievance.

***Simply filling out the Joint Step 1 form and dropping it on the supervisor's desk, or merely handing the form to the supervisor, does not constitute filing a Step 1 Grievance Nor does contacting any steward or officer of the NRLCA with information constitute the filing of a grievance. Mailing of a grievance form to any steward or officer does not constitute a grievance filing unless the discussion with management has taken place and the manager initialed 3b and/or 3c as appropriate. Often management may choose to round date the 8191 in lieu of initialing the document.***

- The first action to take after an incident or issue has occurred (within 14 Days) is for the employee to ask the immediate supervisor to meet briefly for a discussion of the issue clearly noting the purpose of the discussion is to determine if a grievance need be filed. If the discussion does not resolve the issue a Joint Step 1Grievance Form 8191is then completed in part. Only the first four sections at the top of the PS Form 8191 are to be filled out at this time. **Do not fill out any other sections of PS Form 8191!** This will be done later in the formal Step One meeting between management and a certified union steward (local if available). It need be mentioned that one does not have to wait 14 days to initiate a discussion about an issue and often carriers will 'discuss' issues immediately without the carrier indicating that they are filing a grievance; it is always a 'best practice' for the carrier to indicate that they wish to formally file a grievance at which time the 8191 need be jointly completed. Often a supervisor/postmaster will say that they have to 'check' with someone when in fact the parties are discussing a decision that "has" been made. There is no actual grace period for a decision on the decision, either it is reversed or it stands and you then complete 1 through 4 on the PS 8191 as follows.
- Together, the grievant and the immediate supervisor will fill out the top portion of PS Form 8191, down to and including box 3a. The immediate supervisor should indicate in box 3b the date of the discussion and annotate by initialing box 3b that he/she was there and took part in this brief discussion. The date of the discussion constitutes the filing date of the Step 1 Grievance.
- It should also be determined if the case was timely or if management wants to declare the grievance untimely (box 3c). If declared untimely, it may be necessary to establish there were attempt(s) to correct the problem and/or that the issue is an ongoing problem that has finally come to a formal grievance filing. The bottom line is that the 8191 is forwarded to the appropriate steward to process even if a timeliness issue is raised.
- A brief description of the issue in the grievance is memorialized in the form of a question in number 4. Examples: Was the discipline received by the grievant issued for just cause? Or is management in violation of the Contract concerning (fill in the employee's complaint). Because the grievance is the employee's issue, the employee should be allowed to determine the nature and wording of the issue but this is nothing more than a simple question, no statements are appropriate on the grievance form. The key point is that the issue need be framed in the form of a simple question, not in the form of a statement.
- The discussion is just that a discussion about the issue or issues and if the discussion results in a grievance filing, the denial is verbal at this stage and the remainder of the form is not filled out (**stop at #4**). The balance of the 8191 will be completed

during the second stage of the Step 1 procedure as explained below. If the grievance is denied, the grievance goes forward for the second stage of the Step One process, the formal meeting. **The denied box in 12a should never be checked until the grievance has advanced to the second stage of the Step 1 procedure and the meeting between management and a certified steward has been held.**

- The grievance becomes the property of the Union at this point and the original PS Form 8191 should be returned to the grievant immediately after the discussion. Management should make a copy if they wish. The grievant **must** immediately present the original PS Form 8191 to the local steward provided one is in place in order that the steward may take the next step in the grievance procedure. If the office has no certified local steward, the grievant need forward the original PS Form 8191 to the District Representative or appropriate Assistant District Representative or assigned Area Steward. It is at this point that a certified steward formally gets involved in the process and meets with the postmaster, manager or Step 1 designee within 10 days of the Step 1 filing. During that time a complete and thorough investigation by both parties need take place to prepare for the Step One meeting. It is at this formal meeting that the remainder of the Step 1 Grievance Form is completed. NOTE: unlike other unions, election to any office in the Rural Letter Carriers Association does not automatically result in the officer being accorded contract administration authority or are officers certified as stewards unless they have completed the necessary training provided by the Union. All need be clear on this because many managers 'wrongly' assume that the 'local unit president' is automatically the steward and that is simply not true.
- Time limits dictate the formal meeting takes place **within ten days of the date the grievance was filed**; therefore it is important that the steward receive this form as soon as possible after the Step One discussion. Nothing prohibits management from contacting the steward to facilitate this process at Step One.
- Article 15 Section 1. General Policy

Grievances which are filed pursuant to this Article are to be processed and adjudicated based on the principle of resolving such grievances at the lowest possible level in an expeditious manner, insuring that all facts and issues are identified and considered by both parties. In the event that a grievance is processed beyond Step 1, both parties are responsible to insure all facts, issues and documentation are provided to the appropriate union and management officials at the next higher level of the grievance procedure. The parties further agree that at any step in the grievance procedure, the Union representative shall have full authority to settle or withdraw the grievance in whole or in part. The Employer representative, likewise, shall have full authority to grant, settle or deny the grievance in whole or in part.