

# I KNOW MY RIGHTS!

## True & False Quiz Answers

**This brief survey of "Union Rights" is intended to facilitate discussion of the subject issues. As a result, many questions will have no one "right" answer. Class participants are encouraged to engage in group discussion and attempt to reach a consensus group answer to each question. While these are "True" and "False" questions, you may well determine in many instances that a "True with explanation" or "False with explanation" response might be most appropriate. In those cases be sure to include your explanation.**

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1. The Union may select and appoint or certify as many stewards and alternate stewards as it determines to be necessary.

T  F Article 17, Section 2.A sets the limits on the appointment of stewards. There are no limits on the appointment of alternate stewards.

2. Management may require an employee to relate the general nature of a grievance before the employee sees a steward.

T  F Management may inquire of the employee as to the general nature of the problem or grievance. Management may also require the steward to reveal the general nature of the problem being investigated. [FN 15 & 16]

3. Management may not predetermine the amount of time needed to investigate or process a grievance. However, management may ask the steward to estimate the length of time needed to process the grievance.

T  F [FN 17 & 18]

4. If management must delay the release of a steward by more than two (2) hours, the supervisor must explain the reason for the delay and advise the steward as to when time should be available.

T  F Management seldom does this, but they agree that it is required.  
[FN 21]

5. Management has no obligation to release a steward to perform steward functions while that employee is on overtime.

T  F However, where an alternate steward is available, management will not violate the Agreement when it provides an employee with the alternate because the regular steward was on overtime. [FN 23 & 24]

6. Management must release the steward to investigate a problem even when it is clear that no grievance will arise.

T  F The Union has the right to investigate the possibility of a grievance and ultimately it is the Union (and not management) which must determine whether or not a grievance exists. [FN 25 & 26]

7. A steward must be granted a reasonable amount of time to investigate grievances, including time to study the applicable handbooks and manuals.

T  F No question as to stewards right to time to investigate. However, at least one regional award has held that this does not include time to "study" handbooks and manuals. Phrase your request properly.

8. The Union does not have a right to sit in on EEO resolutions or receive copies of the EEO files.

T  F However, if the information is relevant to a grievance the Union is entitled to the information. [FN 45]

9. The Union has a right to receive unsanitized copies of 3971's, 3972's and restricted sick leave information (with or without a release from the subject individual) when such information is relevant to a grievance under investigation.

T  F [FN 41, 42 & 43] Management does have the right to sanitize SS# from 3972.

10. If the APWU steward believes that an EI/QWL Committee has been discussing matters involving hours, wages, or working conditions of APWU represented craft employees the Union is entitled to request and receive copies of minutes, agendas, etc., of such meetings.

T  F [FN 38 & 39]

11. The Step 1 supervisor is required to complete a Step 1 Grievance Summary (PS Form 2608) and must give this information to the union.

T  F (Step 1 steward is not entitled to receive the Form 2608. However, management must share the Form 2608 at Step 2. The Step 2 summary, PS Form 2609 must be shared at Step 3. [FN 37]

12. There is nothing improper about making oral information requests.

T  F But, it is much better to do them in writing. [FN 35]

13. If the steward is absent, on overtime, or otherwise not available management may direct the employee requesting representation to meet with the alternate steward.

T  F If steward is absent or on overtime management may direct the employee to see the alternate steward. Management may not simply make the regular steward "unavailable" in order to deal with the alternate steward. Where the steward is already working on a grievance management is not obligated to also release the alternate. [FN 23, 28 & 29]

14. The supervisor may require the steward to complete a new PS Form 7020 for each grievance the steward is investigating.

T  F [FN 31 & 32]

15. While the Union is entitled to receive all information necessary to process a grievance, the Union must recognize that release of criminal investigatory information under the jurisdiction of the Postal Inspection Service may involve some inherent delay due to the need to determine if the information is appropriate for release and/or to receive appropriate approval for such release.

T  F While some delay may be unavoidable where a criminal investigation is under way, the failure to provide such information may negatively impact the USPS case at arbitration. [FN 47]

16. Since PS Forms 1723 are usually inaccurate, the best source of information as to when an employee is actually serving as a 204-B is to get the employee's clock rings.

T  F The PS Form 1723 is the controlling document. [FN 50]

17. Since medical information is by its very nature highly confidential it is absolutely imperative that the Union get a medical release from the subject employee when requesting such information.

T  F It is always better to get a release if possible. However, where the information is relevant to the Union's grievance investigation you have a right to receive it with or without such a release. Remember, once you get restricted medical information you have the same obligations as the Employer to protect its privacy. [FN 54]

18. The Postal Service should be expected to resist release of information regarding supervisory attendance or discipline on the basis that release of such information would be barred by the Privacy Act.

T  F The USPS has agreed that it will not resist release of information regarding supervisory attendance or discipline records on the basis that it is protected by the Privacy Act. However, who really expects the USPS to keep it's word? [FN 62]

19. While the supervisor may be required to inform the steward of the date and subject of a relevant job discussion the Union is never entitled to receive copies of the supervisor's personal notes of the discussion.

T  F As long as job discussion notes are personal notes management is not obligated to provide them to the Union. Once they have been shared with one other person they are no longer personal notes and must be provided. [FN 84 & 85]

20. Management may not properly deny the union's request for information solely because it is clear that the grievance has become untimely.

T  F Only the Union (or perhaps ultimately the Arbitrator) can determine that a grievance is untimely. [FN 86]

21. Management may not properly deny the union's request for information solely on the basis that the grievance has been previously appealed to a higher step of the grievance/arbitration procedure.

T  F [FN 87] \_\_\_\_\_

22. Management is not obligated to pay stewards for time spent traveling between buildings or stations during grievance processing or investigation.

T  F [FN 106 & 107] \_\_\_\_\_

23. A Union steward or officer is entitled to a reasonable amount of on-the-clock time to prepare additions and corrections to management's Step 2 grievance denial letter.

T  F Provided that steward or officer was the Step 2 designee for the grievance. [FN 102] \_\_\_\_\_

24. Stewards are entitled to be compensated for Step 2 meetings within the employee's tour. However, management is not obligated to schedule the Step 2 meeting during the employee's normal schedule.

T  F There is no contractual obligation to schedule all Step 2 meetings within the steward's schedule. However, there should be room for compromise. [FN 100]

25. The Union's request for information required 120 pages of copying (including 1/2 hour of time to make these copies). A \$10.00 charge for providing this information would not be unreasonable.

T  F Copy time is not search time. First 100 pages no charge. Under \$10.00 is waived. See AS-353. [FN 92]

26. While management cannot unreasonably deny a request for information there is no time limit imposed upon management's response to such requests.

T  F Privacy Act requires that information be provided within 10 working days. Step 4 says within a timely manner. [FN 90]

27. Information requests should be submitted to the immediate supervisor. That supervisor is then responsible for obtaining the information from other management officials or departments.

T  F However, management may designate who specific information requests should be submitted to. [FN 89]

28. Upon proper request, management must provide the Union with a list of craft employees who have applied for management (EAS) positions.

T  F While this information is probably not relevant to a grievance it may be relevant to Union elections. Actual procedure is that Union submits a list of names and management will identify whether any of them have an application for a management position pending. [FN 88]

29. The Step 1 grievance should be filed with the immediate supervisor. The only exception to this rule is when the immediate supervisor is a 204-B.

T  F All grievances should be filed with the immediate supervisor, even where the immediate supervisor is a 204B. Management may direct that certain class action grievances be discussed with a specific supervisor. [FN 110 & 111]

30. The Union has an obligation to discuss all grievances at Step 1. It is not sufficient to merely file the grievance.

T  F Article 2 and Article 14 grievances may be filed at Step 2. Union must be willing to discuss all grievances at Step 1, not just file them. [FN 113]

31. The grievant has a right to be present at the time a Step 1 decision is rendered if he/she so chooses.

T  F Grievant has the right to be present at Step 1 if she so chooses. [FN 121]

32. The grievant has a right to be present at Step 2 meetings if he/she so chooses.

T  F The Union decides whether or not the grievant should be at the Step 2 meeting. [FN 122]

33. While the grievant may file a Step 1 on his/her own behalf without Union representation, the Steward must be offered the opportunity to be present at the resolution of any Step 1 grievance.

T  F While the contract does not require this the NLRA does. [FN 123]

34. A steward has a right to be represented by the appropriate Union officer to investigate or present their grievance to management.

T  F A steward or officer has no more right than any other employee to get a specific steward. They are represented by the steward for their section at Step 1.



35. If management fails to advise an employee of their right to Union representation during an investigatory interview, this could result in a violation of the employee's "Weingarten Rights," thus rendering any subsequent discipline procedurally defective.

T  F Unlike the Miranda warning, management has no legal or contractual obligation to warn employees of their Weingarten rights. The employee must request a steward. [FN 128]

36. Management must provide the Union with bulletin boards in each facility. The Union has exclusive control over what is posted on these bulletin boards and management may not remove controversial postings such as "scab lists."

T  F [FN 145]

37. Management may have an observer present during the Union's orientation for new employees if they so choose.

T  F Management may have an observer present. Management may not discuss health benefits until after the Union presentation. [FN 141]

38. An alternate steward is protected by "super-seniority" from being excessed from that employee's section and tour.

T  F Only the steward has "super-seniority" and even then it only applies to facility and tour (not necessarily section). [FN 137]

39. A steward is protected by "super-seniority" from being excessed from that employee's section and tour.

T  F "Super-seniority" only applies to facility and tour (not necessarily section). [FN 132]

40. As a general rule stewards are protected from disciplinary action when they raise their voice, use profanity, or other berating language toward a supervisor while in the status of a steward.

T  F Not saying it is a good idea, only that Steward's immunity generally protects the rights of stewards while in that capacity

41. After I represented an employee during an investigatory interview with the OIG the Inspector retained me and demanded that I answer his questions regarding what the grievant had told me during our pre-interview consultation. As a steward I have a right to refuse to answer his questions.

T  F All employees have an obligation to cooperate in postal investigations. While the courts generally recognize a limited privilege not to require the steward to testify against the grievant in disciplinary matters, you could be required to testify in court.

42. The grievant is being disciplined because of a customer complaint. Her steward has the right to interview the customer while on the clock.

T  F Yes. [FN 81 & 82]

43. A steward is never permitted to sign their own PS Form 3189, Request for Schedule Change for Personal Convenience.

T  F While this is not a good practice it is not prohibited. Step 4, H1C-5G-C 41220, May 13, 1985.

44. A shop steward on light duty may be released to perform steward duties.

T  F As long as the steward's medical restrictions permit it. [FN 34]

45. The Union president may designate a steward to represent all light duty employees regardless of section or tour.

T  F A steward must be certified to represent craft employees in specific work locations on their tour. The Union may not make a blanket certification to cover a certain group of employees such as light duty [FN 4].

46. The Postmaster is not required to personally attend Labor Management meetings so long as she sends a designee.

T  F Step 4 NC-S 11794 (11-29-78).

47. Grievance discussion may be conducted telephonically.

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[FN 114 & 115]

48. Employees are entitled to Union representation during investigative interviews. However, the Steward is present as a witness and may not actively participate in the interview.

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[FN 129]

