

MODULE 5

PROVIDING/OBTAINING INFORMATION

MODULE OBJECTIVE: TO PROVIDE THE STEP 2 DESIGNEE WITH THE BASIC GUIDELINES FOR PROVIDING NECESSARY AND RELEVANT INFORMATION TO THE UNION.

TIME: 45 MINUTES

1. Art. 15.2 Step 2 (d) requires the parties are to fully cooperate to develop all necessary facts, including the exchange of copies of all relevant papers or documents in accordance with Article 31.
2. Article 31.3 requires management to make available for inspection all relevant information necessary for collective bargaining. Review Article 31.3 to determine the appropriateness of the information requested.
3. What is relevant? Who determines relevancy? Can we require an offer of proof?
4. Fishing expeditions.
5. Continuing or on-going request For Information (RFI).
6. The difference between a 'purely local matter' and RFI involving matters that are not purely local and how to respond.
7. The parties representatives shall cooperate fully in the effort to develop all necessary facts, including the exchange of copies of all relevant papers or documents in accordance with article 31.
8. Management may charge the union for research time and copying in accordance with the Freedom of Information section of the ASM for information obtained under an RFI.
9. Management may combine RFIs that are similar or repetitive.
10. The union may not set time limits for us to provide responses to RFIs.
11. The excuse that the documents are not in the control of the local District, Plants, etc. is not sufficient to relieve us of the necessity of obtaining and providing requested, relevant information.
12. The Step 2 decision should be annotated to show what was provided to the union and what the union provided, if anything.



December 18, 1997

MANAGERS, HUMAN RESOURCES (AREA)
LABOR RELATIONS SPECIALISTS (AREA)

SUBJECT: July 15, 1997 APWU/USPS Alternative Dispute Resolution Agreement
Relating to the National Labor Relations Board Unfair Labor Practice
Changes

Recently, several questions have arisen concerning implementation of the new NLRB Dispute Resolution Process MOU and our earlier memo dated July 30. For ease of reference, attached are copies of the MOU and the earlier memo, along with a letter from Joseph J. Mahon Jr., Vice President of Labor Relations, concerning information requests.

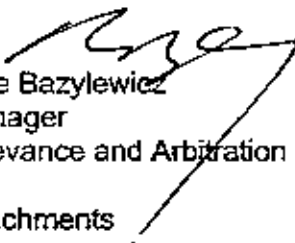
To avoid any potential confusion, please be aware of the following points:

- Distribution of the earlier memo was to include all supervisors who may be receiving information requests from the APWU. Please ensure that this distribution is accomplished.
- The attached Joseph J. Mahon Jr. letter has not been rescinded by the MOU that created this process.
- Information requests for employee time records, employee leave records, employee prior discipline records, employee staffing records and employee work schedule records are generally regarded as relevant with respect to the APWU's determination whether or not to file a grievance concerning those matters. For these routine requests, no specific basis for relevancy is required on the APWU's request form. Requests for other types of information require the union to show the basis of the information's relevancy.
- Requests for non-bargaining unit employee records and medical records must be reviewed with care to ensure that individual privacy rights are not violated. The law has developed special rules for union requests for information relating to nonbargaining unit members and employee medical information. Information regarding nonbargaining unit members should be provided if it is reasonably probable that the information is relevant to an issue between the parties and would be of use to the union in carrying out its statutory duties and responsibilities. With respect to medical records, copies should be provided;

however, where there is legitimate and substantial employee confidentiality interest that would be compromised by disclosure of the records, there is an obligation to bargain with the union in order to seek an accommodation concerning the information requested.

- Local agreements that were in effect prior to the execution of this MOU which provided for a quicker response time shall continue to be honored
- If local management does not comply with the APWU's information request, management will forward such denial to the next higher level for review as contemplated in the MOU.

Hopefully, this clarification has been helpful.



Pete Bazylewicz
Manager
Grievance and Arbitration

Attachments



JOHN J. MASON, JR.
Vice President, Labor Relations

National Labor Relations Board
475 L Street, N.W.
Washington, DC 20540-1100

December 2, 1993

MEMORANDUM FOR AREA MANAGERS, CUSTOMER SERVICES
AREA MANAGERS, PROCESSING AND DISTRIBUTION
DISTRICT MANAGERS, CUSTOMER SERVICES
PLANT MANAGERS, PROCESSING AND DISTRIBUTION
...MANAGERS, HUMAN RESOURCES (ALL AREAS)

SUBJECT: Local Union Information Requests

The National Labor Relations Board has informed me that some information requests made by union officials are being denied by local management representatives on the technical ground that the local union official has no authority to make an information request. It is not the Postal Service's intention to deny an information request on this technical ground and I would appreciate that this fact be communicated to all individuals responsible for responding to local union information requests.

In addition, I would like to take this opportunity to reaffirm the general principle that the unions are entitled to all relevant and necessary information to perform their obligations as the representative of bargaining unit employees. Therefore, if the requested information has some bearing on an issue between the parties, it should be disclosed to the unions. If an information request is unclear, management should attempt to clarify the request, rather than denying the request on a technicality.

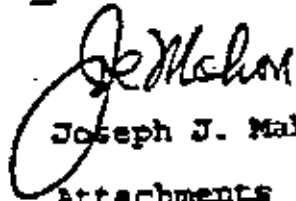
Finally, information requests should be timely answered and delays should be avoided. The fact that the information may not reside in the local unit is not sufficient to deny an information request, if management is aware that the information is accessible by alternative means.

If an information request is to be denied or a response cannot be timely answered, please have the individual handling the request advise the local union official explaining the basis for the delay or denial.

Attachment 3

Also attached is a copy of a Board notice which has been
re-posted in two geographic locations as a result of an informal
settlement the Postal Service has reached with the Board.

Please share this memorandum with all personnel responsible
for responding to union information requests.



Joseph J. Mahon, Jr.

Attachments

cc: Mr. Jacobson
Mr. Green