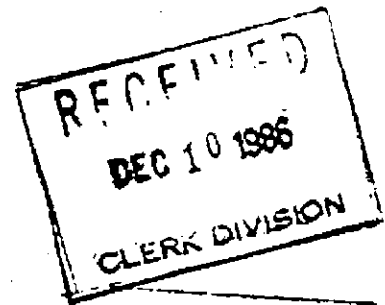




UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260



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Weingarten

DEC 9 1986

Mr. Robert L. Tunstall
Assistant Director
Clerk Craft Division
American Postal Workers
Union, AFL-CIO
817 14th Street, N.W.
Washington, D.C. 20005-3399

Re: D. Smith
St. Louis BMC, MO 63200-9998
H4C-4K-C 11812

Dear Mr. Tunstall:

On July 21, 1986, and again on November 10, 1986, we met to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The issue in this grievance is whether management improperly denied the grievant's request for a union representative during an investigatory interview.

The parties at this level agree that under the Weingarten rule, the Employer must provide a union representative to the employee during the course of its investigatory meeting where the employee requests such representation and the employee has a reasonable belief that discussions during the meeting might lead to discipline (against the employee).

Whether or not an employee reasonably believes that discipline will result from the investigatory interview is a factual dispute suitable for regional determination based upon the particular circumstances.

Accordingly, we agreed to remand this case to the parties at Step 3 for further processing, including arbitration if necessary.

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Mr. Robert L. Tunstall

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Please sign and return the enclosed copy of this letter as your acknowledgment of agreement to remand this case.

Sincerely,

Muriel A. Aikens

Muriel A. Aikens
Labor Relations Department

Robert L. Tunstall 1-13-87

Robert Tunstall
Assistant Director
Clerk Craft Division
American Postal Workers Union,
AFL-CIO