



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

NOV 16 1982

Mr. Kenneth D. Wilson
Assistant Director
Clerk Division
American Postal Workers
Union, AFL-CIO
817 14th Street, N.W.
Washington, D.C. 20005

Art. 16

ARTICLE	<u>35</u>
SECTION	
SUBJECT	<u>PAR</u>
	<u>REQUIRED</u>
	<u>ATTEND.</u>

Re: H1C-3A-D-2954
E. Arebalo
Fort Worth, Texas 76101

Dear Mr. Wilson:

On October 22, 1982, we met to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The matters presented by you as well as the applicable contractual provisions have been reviewed and given careful consideration.

The issue in this grievance is whether just cause existed for the 7-day suspension issued the grievant under date of October 16, 1981.

After further review of the matter, we mutually agreed that there was no national interpretive issue fairly presented as to the meaning and intent of Articles 16 and 35 of the National Agreement.

This case was referred to Step 4 by Southern Regional Arbitrator Ernest E. Marlatt. Arbitrator Marlatt raised two issues that will be addressed by the parties at this level.

First: "Did the 'Decision' dated February 12, 1982, have the effect of removing the suspension from the Grievant's file and giving him the right to be reimbursed for pay lost as the result of the suspension?" The parties, at this level, have determined that the decision cited pertains to a contractual matter and does not remove the disputed discipline.


Second: "Did the 'Decision' constitute a binding interpretation of the contract to the effect that an employee may not be required to participate satisfactorily in the PAR program as a condition of probation for the suspension of an otherwise valid act of discipline?" We mutually agreed that the cited decision does not represent the intent of the parties at the national level. It is our mutual understanding that an employee may be required to participate satisfactorily in a structured PAR program as a condition for reducing or holding in abeyance an otherwise valid act of discipline.

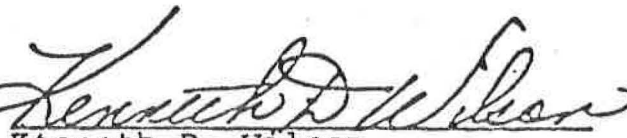
Accordingly, as we further agreed, this case is hereby remanded to Step 3 for further development and consideration if necessary by the parties. The only issue remanded to Step 3 is whether the original discipline issued under date of October 16, 1981, was for just cause. The parties at that level (or the regional arbitrator) will not consider any of the actions taken by either party after the initial notice of suspension.

Please sign and return a copy of this decision as acknowledgment of agreement to remand this grievance.

Time limits were extended by mutual consent.

Sincerely,


Albert J. Johnson
Labor Relations Representative
Labor Relations Department


Kenneth D. Wilson
Assistant Director
Clerk Division
American Postal Workers
Union, AFL-CIO