

**WHERE IS IT IN WRITING
ABOUT OUR OBLIGATION TO
PROCESS A GRIEVANCE ON
AN ISSUE ARISING AS A
RESULT OF ANOTHER
GRIEVANCE?**

- March 10, 1981 Legal Opinion from Bill Peer

THE SITUATION

- The Association processes a grievance on behalf of carrier A and that grievance is either sustained in the grievance procedure, or is won in arbitration. Carrier B is adversely affected by the decision in favor of Carrier A, and requests the Association to process a grievance for Carrier B.

THE OPINION

- **“It is my legal opinion that the Association is under no legal obligation to process the grievance for Carrier B, and the Association does not violate its Duty of Fair Representation by refusing to handle Carrier B’s grievance.”**



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March 10, 1981

TO: REGIONAL REPRESENTATIVES AND STATE STEWARDS

FROM: DALLAS N. FIELDS, DIRECTOR OF LABOR RELATIONS

Gentlemen:

I am enclosing two recent arbitration decisions for your study and files.

Also you will find enclosed a copy of our legal counsel's legal opinion on our obligation to process a grievance on an issue arising as a result of another grievance decision.

With kindest regards.

Sincerely yours,

Dallas N. Fields

Director of Labor Relations

DNF:njm

DAVID S. BARR
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February 27, 1981

Mr. Dallas Fields
Director of Labor Relations
National Rural Letter Carriers
Association
1750 Pennsylvania Avenue, NW
Washington, DC 20006

Dear Dallas:

You have requested my legal opinion on the obligation of the Association under the following circumstances.

The Association processes a grievance on behalf of carrier A and that grievance is either sustained in the grievance procedure, or is won in arbitration. Carrier B is adversely affected by the decision in favor of Carrier A, and requests the Association to process a grievance for Carrier B.

It is my legal opinion that the Association is under no legal obligation to process the grievance for Carrier B, and the Association does not violate its duty of fair representation by refusing to handle Carrier B's grievance. The Association is not obliged under the law to handle a grievance case regardless of the merits or regardless of the principles involved. Thus, and the example cited above, where the Association has already gone on record in support of the cause of Carrier A and where the Association would be taking an inconsistent position by representing Carrier B, the Association is free to decline to represent Carrier B. The law permits the Association to distinguish between good and bad cases, correct and incorrect interpretations of the contract, and right and wrong positions to be taken with the employer. The Association would not be violating the rights of Carrier B by refusing to handle his case.

There is another important factor to consider. The ability of the Association to represent its entire membership turns, in large measure, upon the credibility of the Association with the Postal Service and its representatives. The Association's efforts would be severely jeopardized if the Postal Service got the impression that the Association would take any grievance and would press it to arbitration just because it was filed by a rural carrier, and without examining the merits or the consequences of the grievance. The Association must, therefore, continue

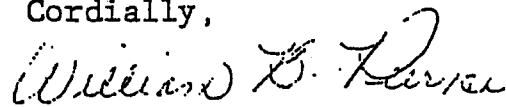
Mr. Dallas Fields
February 27, 1981
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to thoroughly examine the issues presented by a grievance, how it relates to positions previously taken by the Association and the relative likelihood of success on the merits. In the example cited above, the Association would lose substantial credibility if it were to agree to represent Carrier B in a case where the asserted interests are contrary to those taken in a previous situation by the Association.

I trust that this responds to your inquiry; if you have any further questions in this regard, please do not hesitate to ask.

Cordially,



William B. Peer

WBP/sth