



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



art. 17

ARTICLE 17
SECTION _____
SUBJECT 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.