

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

James Chandler, Jr.  
USPS Representative

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Kimetra Y. Lewis  
NALC Representative



RESOLVED



STEP B DECISION

Step B Team: Kimetra Y. Lewis  
James Chandler, Jr.

Decision: RESOLVED  
USPS Number: G11N-4G-C 15209763  
Grievant: Class Action  
Branch Grievance Number: 421-27-15  
Branch Number: 421

District: Rio Grande  
Deciding District: Dallas

Installation: San Antonio  
Delivery Unit: NE Carrier Annex  
State: Texas

Formal Step A Parties  
NALC: Darrell Wilkerson  
USPS: Arnold Pena, Jr.

Incident Date: 03/31/2015  
Date Informal Step A Initiated: 05/21/2015  
Formal Step A Meeting Date: 06/11/2015  
Date Received at Step B: 06/18/2015  
Step B Decision Date: 07/01/2015  
USPS Issue Code: 08.5400  
NALC Issue Code: 120050  
Original Step B Received Date:  
Date Sent To Assisting Team:

ISSUE: Did Management violate Article 8.5 of the National Agreement when Management failed to equitably distribute overtime hours and opportunities in Quarter 1, 2015? If so, what is the appropriate remedy?

DECISION: The Dispute Resolution Team (DRT) has agreed to RESOLVE this grievance. Violations have occurred. The overtime hours and overtime opportunities were not equitably distributed in Quarter 1, 2015. For the violations, the following carriers will be compensated the following lump sum amounts to be entered into GATS at the Step B level:

<u>Employee</u>	<u>EIN</u>	<u>Amount</u>
A Ramirez	01973506	\$ 825.00
R Chapman	02116416	1229.00
J Perez	03144849	1080.00

For the violations, the following carriers will receive an overtime make-up opportunity in the next immediate quarter for the hours listed by their names: Carrier R Reyes (4.03 hours); J Gallego (1.50 hours); G Sanchez-Alicea (10.80 hours).

**EXPLANATION:** The Union contends management did not equitably distribute overtime to carriers on the Overtime Desired list on strings B, C, D, and E during the first quarter of the year 2015. The Union argued that all use of leave, the unavailability of carriers and the overtime payouts paid out to carriers throughout the quarter were considered in their calculation. The Union contends management's failure to maintain the quarterly tracking chart directly resulted in their inability to maintain overtime equity. The Union contends Management was aware of the agreement to keep the overtime equity among the carriers in each string (A, B, C, D, and E) within nine (9) hours. The Union contends Management's failure to equitably distribute overtime hours and overtime opportunities during Quarter 1 is in violation of Article 8.5.2.b which states:

*5.C.2.b During the quarter every effort will be made to distribute equitably the opportunities for overtime among those on the "Overtime Desired" list.*

Management contends the Union did not take into consideration in their calculation the days in which the carriers on the Overtime Desired List were unavailable for overtime assignments. Management also contends the Union failed to take into consideration the payouts paid to carriers on the Overtime Desired List for daily overtime violations paid out during the quarter. Management further contends they tried to utilize the carriers on the Overtime Desired list on most days but the carriers were not available; therefore, Management was forced to use CCA to perform the overtime assignments.

The DRT carefully reviewed the evidence presented within the grievance file and considered the positions of both parties.

The DRT could not find a violation in the disbursement of overtime hours and opportunities between the carriers on String B. On String C, a violation occurred when Carrier R Reyes was behind by 4.03 hours. On String D, a violation occurred when considering all factors, Carrier J Gallego, and Carrier A Ramirez overtime hours and opportunities were behind those of Carrier Coronel. On String E, a violation occurred when the overtime hours and opportunities of Carrier R Chapman, J Perez, and G Sanchez-Alicea were behind those of Carrier Yeakel.

Page 8-12 of the JCAM provides the appropriate remedy when violations of this type occur. It reads:

**Remedies.** National Arbitrator Howard Gamser ruled in NC-S-5426, April 3, 1979 (C-3200) that the Postal Service must pay employees deprived of "equitable opportunities" for the overtime hours they did not work only if management's failure to comply with its contractual obligations under Article 8.5.C.2 shows "a willful disregard or defiance of the contractual provision, a deliberate attempt to grant disparate or favorite treatment to an employee or group of employees, or caused a situation in which the equalizing opportunity could not be afforded within the next quarter." In all other cases, Gamser held, the proper remedy is to provide "an equalizing opportunity in the next immediate quarter, or pay a compensatory monetary award if this is not done..."

Based upon the findings, the DRT applied Arbitrator Gamser's ruling and agreed upon the decision cited above.

  
Kimetra Y. Lewis  
NALC Step B Representative

  
James Chandler, Jr.  
USPS Step B Representative

cc: Rio Grande District

Contents:

- PS Form 8190
- NALC Formal Step A Contentions
- USPS Formal Step A Contentions
- Statement from Carrier Route 3343 Requesting to Be Removed from OTDL
- AM/PM Control Sheet
- Request for A Formal Step A Meeting
- Request for Documentation & Steward Time
- Time Limit Extension (4)
- Quarterly Overtime Tracking
- Past Grievance Decisions (4)
- NALC Formal Step A Designee
- LMOU Alamo Branch 421
- Formal Step A Table of Contents
- NALC Additions & Corrections
- End

# Payout Request History for Grievance 15209763

[HELP](#)

no data

<p><b><u>Not Processed By Payroll</u></b></p> <p><input checked="" type="checkbox"/> New (Not yet sent to Payroll)</p> <p><input checked="" type="checkbox"/> Pending (Not back from Payroll)</p> <p><input checked="" type="checkbox"/> Submitted (Received acknowledgment from Payroll, awaiting processing)</p>	<p><b><u>Payroll Processed</u></b></p> <p><input checked="" type="checkbox"/> Paid (Back from Payroll without error)</p> <p><input checked="" type="checkbox"/> Payroll Error (Back from Payroll with error)</p>
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## New, Pending and Submitted Requests

Status	GATS Code	App Seq	Request Amount	Last Name	First Name	SSN	Relevant PP	Requested By	Date Requested	
New		1	\$825.00	RAMIREZ	AMELIA	0281	PP8 FY2015	VCMRB0	07/01/2015	<a href="#">Details</a>
New		1	\$1,080.00	PEREZ	JOSE	4943	PP8 FY2015	VCMRB0	07/01/2015	<a href="#">Details</a>
New		1	\$1,229.00	CHAPMAN	ROGER	1312	PP8 FY2015	VCMRB0	07/01/2015	<a href="#">Details</a>
Total New: \$3,134.00										
Total Pending: \$0.00										
Total Submitted: \$0.00										

## Paid and Errors from Finance

Status	Error or Warning	App Seq	Request Amount	Amount Paid	PP Paid	Last Name	First Name	SSN	Relevant PP	Requested By	Date Requested
No Data											
Total Paid: \$0.00											
Total Error: \$0.00											