

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

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RESOLVED



STEP B DECISION

Step B Team: Laura Maglaris
Schenequa Neal

Decision: RESOLVED
USPS Number: G11N-4G-C 16432680
Grievant: Class Action
Branch Grievance Number: 421-291-016
Branch Number: 421
Installation: San Antonio
Delivery Unit: Laurel Heights
State: Texas
Incident Date: 4/1/2016
Informal Step A Meeting Date: 4/19/2016
Formal Step A Meeting Date: None
Date Received at Step B: 7/27/2016
Step B Decision Date: 8/4/2016
USPS Issue Code: 08.5400
NALC Issue Code: 120050

District Grieving: Rio Grande
District Deciding: Dallas

Formal Step A Parties:
Ernest Rosas, NALC

ISSUE: Did management violate Articles 8 and/or 15 of the National Agreement by failing to maintain equitability among the ODL carriers for Quarter 1/2016 and by failing to comply with Grievance Settlement #421-041-16, in which management agreed to provide make up opportunities for Quarter 4/2015 to numerous carriers? If so, what is the appropriate remedy?

DECISION: The DRT **RESOLVED** this grievance. Violations did occur when ODL carriers were not kept equitable in hours/opportunities for Quarter 1/2016 and were not provided the agreed upon make up opportunities for Quarter 4/2015. The following ODL carriers will be paid lump sum awards accordingly:

NAME	EMPLOYEE ID#	AMOUNT
D Fuentes	04247459	\$ 198.00
D Mead	02330764	\$1,011.60
C Flores	03505147	\$ 292.68
T Garcia	03530404	\$2,636.28
D Nickell	02137748	\$2,272.32

The payments will be input into GATS at the Step B level.

EXPLANATION: This grievance was originally appealed to Step B on 5/9/2016 without a Formal Step A meeting being conducted. The DRT remanded the case back to Formal Step A for the parties to conduct a Formal Step A meeting. The case was again appealed

to Step B on 7/27/2016 without a Formal Step A meeting. The case file is well documented as to the efforts of the Union to meet with management on this issue.

Per Step A grievance settlement #421-041-16, dated 1/16/2016, management agreed to provide make up opportunities for numerous ODL carriers by the end of Quarter 4/2015. The Union contends that not only did management not provide the agreed upon make up opportunities, but that ODL carriers were not equitable in hours/opportunities for Quarter 1/2016.

The Union contends management failed to provide the agreed upon make up opportunities to ODL carriers per grievance settlement #421-041-16. The Union contends management failed to equitably distribute overtime hours/opportunities in Quarter 1/2016. The Union contends management failed to properly track overtime hours/opportunities during Quarter 1/2016 which led to the inequity in hours. The Union contends management counted days that ODL carriers were on leave as "missed opportunities" instead of "not available". The Union contends that although management is not required to make up opportunities missed because the carrier is not available, they do have to make the carrier equal while the carrier is available. The Union requests as remedy that the following carriers be paid accordingly:

Allen Roose	\$1196.64
David Mead	\$1117.80
Candelario Flores	\$699.12
Thomas Garcia	\$1373.40
David Nickell	\$1348.56

Carriers to be compensated from previous Quarter are as follows:

David Mead	\$771.84
Destiny Fuentes	\$1620.00
Thomas Garcia	\$1961.64
David Nickell	\$1728.36
Raymond Charies	\$1559.88

No management contentions were included in the file. The file contains a *Request for a Formal Step A Meeting* form which references "**421-291-16 Remand Distributing OT Quarter 1 2016**". The form is dated 7/1/2016 and addressed to Mike Moreno and bears Mike Moreno's signature indicating receipt. The file also contains a Form O-13 on which the parties indicated by signature that they mutually agreed to extend the time limits to meet at Formal Step A until 7/13/2016.

The DRT determined that based upon the documentation in the file, violations did occur. The DRT reviewed the provisions of the San Antonio LMOU regarding the agreed upon method of determining equitability. The DRT reviewed the overtime tracking spreadsheet submitted by the Union and compared it to the TACS reports. There was no indication the overtime tracking spreadsheet was adjusted to account for the hours the carriers were unavailable due to leave. Per the LMOU provisions:

"Overtime hours worked, opportunities offered (hours) and declined, and opportunities where the carrier is not available will be recorded on the chart."

JCAM, Page 8-11:

National Arbitrator Bernstein ruled in HIN-5G-C 2988, August 14, 1986

(C-06364), that in determining “equitable” distribution of overtime, the number of *hours* of overtime as well as the number of *opportunities* for overtime must be considered. Overtime worked on a letter carrier’s own route on a regularly scheduled day is not counted or considered in determining whether overtime has been equitably distributed among carriers on the list. Missed opportunities for overtime—i.e. one OTDL carrier worked instead of another—must be made up for with equitable distribution of overtime during the quarter unless the bypassed carrier was not available—i.e. the carrier was on leave or working overtime on his/her own route on a regularly scheduled day, etc. (See the explanation under Article 8.5.C.2.d).

The DRT reviewed the TACS reports and deducted those hours the carriers were not available due to leave from the Union’s spreadsheet which indicated the average hours overtime worked by each group on individual days.

The DRT also considered the total hours of make-up opportunities that were to be provided per Grievance Settlement 421-041-16.

Per the LMOU, carriers fall into a group with the same scheduled day off on a rotating basis, referred to as a string. For the purpose of equitability of any quarter, the OT hours worked and offered but declined will be matched only among the carriers within their own string who sign the ODL. Based upon the calculations presented by the Union in their requested remedies, they are requesting the hours be paid at the rate of \$36.00 per hour.

Based upon the documentation in the file, the DRT made the following determinations for each string:

String B

A. Roose	130.31 hours
R. Tapia	133.05 hours
D. Fuentes	163.55 hours

Although, the Union counted D. Fuentes as the high carrier in this string, actually she was not the high carrier in this string as Grievance Settlement 421-041-16 ordered that she be given make-up opportunities of 45 hours, which must be deducted from the total hours worked in Quarter 1 and not considered for determining equitability of all other carriers in the string. After deducting the make-up opportunities of 45 hours, the hours considered for determining equitability for Fuentes in Quarter 1 were 118.55. Ultimately, the carrier with the most hours in this string for Quarter 1 was R. Tapia with 133.05. The LMOU states equitability is defined as 9 hours; thus A. Roose was equitable as he was within 9 hours of the carrier with the highest number of hours. It was determined that D. Fuentes was short by 5.50 hours.

String C

D. Mead	116.34 hours
C. Flores	89.42 hours
F. Pizana Jr	147.39 hours

It was determined Pizana was the high carrier in this string. Per Grievance Settlement 421-041-16, D. Mead was to be given 21.44 hours make-up opportunities, so this amount was deducted from the total hours worked, leaving a balance of 94.90 hours. The DRT then calculated the hours these carriers were unavailable due to leave and determined D. Mead was short a total of 28.10 hours and C. Flores was short a total of 8.13 hours.

String E

M. Castro 119.09 hours
T. Garcia Jr 80.94 hours
D. Nickell 81.63 hours

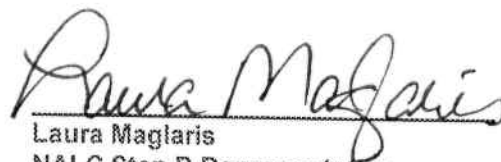
Per Grievance Settlement 421-041-16, T. Garcia was to be given 54.49 hours make-up opportunities and D Nickell was to be given 48.01 hours make-up opportunities, so these amounts were deducted from the total hours worked, leaving a balance of 26.45 hours and 33.62 hours respectively. The DRT then calculated the hours these carriers were unavailable due to leave and determined T. Garcia was short a total of 73.23 hours and D. Nickell was short a total of 63.12 hours.

String F

A. Gomez Jr 0.00 hours
R. Charles Jr 109.01 hours
M. Evaldez 24.35 hours

Per Grievance Settlement 421-041-16, R. Charles was to be given 43.33 hours make-up opportunities, so that amount was deducted from the total hours worked, leaving a balance of 65.68 hours. Based on the Union's spreadsheet, R. Garcia was the carrier with the highest number of hours in String F and those hours were over and above the amount of make-up opportunities granted for the previous quarter.


Schenequa Neal
USPS Step B Representative


Laura Maglaris
NALC Step B Representative

cc: Rio Grande District DRT

Contents: 8190, NALC Contentions, NALC quarterly tracking, OTadmin Overtime Equitability Report, Employee Moves Report, Carrier Schedule, Request for a Formal Step A meeting, Photocopy of certified mailing and PS Form 3811, NALC letter Product & Tracking Information, Informal Step A request for documentation/steward time/meeting, PS Form 8190 for Q4 equitability resolution, NALC remedy, PS form 3972, END.

Payout Request History for Grievance 16432680

[HELP](#)

Not Processed By Payroll

New (Not yet sent to Payroll)

Pending (Not back from Payroll)

Submitted (Received acknowledgment from Payroll, awaiting processing)

Payroll Processed

Paid (Back from Payroll without error)

Payroll Error (Back from Payroll with error)

New, Pending and Submitted Requests

Status	GATS Code	App Seq	Request Amount	Last Name	First Name	SSN	Relevant pp	Requested By	Date Requested	Buttons
New		3	\$198.00	FUENTES	DESTINY	0634	PP1 FY2016	KXYCDG	08/04/2016	Details Delete Edit
New		3	\$292.68	FLORES	CANDELARIO	5105	PP1 FY2016	KXYCDG	08/04/2016	Details Delete Edit
New		3	\$1,011.60	MEAD	DAVID	0758	PP1 FY2016	KXYCDG	08/04/2016	Details Delete Edit
New		3	\$2,272.32	NICKELL	DAVID	1983	PP1 FY2016	KXYCDG	08/04/2016	Details Delete Edit
New		3	\$2,636.28	GARCIA	THOMAS	7366	PP1 FY2016	KXYCDG	08/04/2016	Details Delete Edit
Total New: \$6,410.88										
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	Buttons
No Data												
Total Paid: \$0.00												
Total Error: \$0.00												