



**RESOLVE**



**STEP B DECISION**

<b>Step B Team:</b>	Decision:	<b>RESOLVE</b>
USPS:	USPS Number:	<b>G16N-4G-C 1850 0420</b>
<b>Alex Zamora</b>	Grievant:	<b>Class</b>
NALC:	Branch Grievance Number:	<b>421-201-19</b>
<b>Jim Ruetze</b>	Branch:	<b>421</b>
	Installation:	<b>San Antonio</b>
District:	Delivery Unit:	<b>Beacon Hill</b>
<b>Rio Grande</b>	State:	<b>TX</b>
	Incident Date:	<b>07/28/2018-08/03/2018</b>
	Informal Step A Initiated:	<b>02/22/2019</b>
	Formal Step A Meeting:	<b>No Meeting</b>
USPS Formal A:	Date Received at Step B:	<b>03/06/2019</b>
<b>No Meeting</b>	Step B Decision Date:	<b>03/07/2019</b>
NALC Formal A:	Issue Code:	<b>08.5450</b>
<b>Rene Hernandez</b>	NALC Subject Code:	<b>120051</b>

**ISSUE:**

Did management violate Article 8.5 of the National Agreement by mandating non-overtime desired list (non-ODL) carriers to work overtime on and off their assignments and work assignment carriers to work overtime off their assignments when auxiliary assistance was available? If so, what is the remedy?

**DECISION:**

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file evidenced a violation of Article 8.5. Management must adhere to the provisions of Article 8 of the National Agreement. Payment has been made by the Step B team to the carriers listed below. See DRT Explanation.

EIN	Employee	Remedy	EIN	Employee	Remedy
01977389	Johnson, S	\$92.26	03415922	Welch, K	\$77.00
01988799	Rodriguez, R	\$462.42	02033054	Garcia, D	\$110.46
02152054	Regalado, D	\$420.00	04323581	Bosley, P	\$118.44
03339115	Ramos, L	\$487.20	01998691	Melendez, J	\$77.98
04223066	Hernandez, R	\$297.36	02386896	Ketchum, L	\$30.38
02146388	Morales, V	\$69.16	02192055	Saucedo, Y	\$78.96
02439335	Gilbert, G	\$119.84	03493112	Cruz, J	\$31.50
01966651	Matthies, K	\$60.62	04223127	Ruddel, C	\$22.68
03532392	Gonzalez, H	\$634.20	03509712	Macias Jr, R	\$127.82
02148756	Zapata, J	\$79.10	02176046	Roller, J	\$13.30
03649368	Alltop, D	\$20.30	01980048	Garcia, R	\$13.44
02353498	Childress, G	\$100.66	02380911	Childs, M	\$67.06
02076142	Orta, J	\$31.78	03683707	Whaley, K	\$423.78
02114220	Zander, D	\$397.74	03324042	Johnson, D	\$237.30

**EXPLANATION:**

The union contends management was in violation of Article 8.5 on the above incident dates at the Beacon Hill Post Office in San Antonio, Texas when work assignment carriers and non-ODL carriers were utilized to carry overtime in lieu of available ODL carriers that could have performed the work.

The union filed this grievance to challenge management's failure to properly apply the provisions of Article 8.5 of the National Agreement. Unable to achieve a resolution through the Informal and Formal A steps of the grievance procedure, the union appealed to Step B.

**The union** contends management violated the contract by mandating non-ODL to work overtime on and off assignment and work assignment carriers to work overtime off assignment when there was auxiliary assistance available from ODL carriers and city carrier assistants (CCAs). The union contends management's refusal to comply with Article 8 contract provisions is willful and deliberate.

The union requests management cease and desist violating the provisions of Article 8 and requests a remedy of 50 percent of the straight rate of pay for non-ODL carriers improperly mandated. The union requests the ODL carriers be paid at the appropriate rate for the missed opportunities they should have received.

**Management** failed to meet at Formal Step A and did not provide any contentions.

**The DRT** determined that there was a violation when non-ODL and work assignment carriers were forced to work overtime on and off-assignment when there were available ODL employees. Non-ODL and work assignment carriers were remedied at 50 percent of the straight-time rate. The ODL carriers who were available for the overtime were paid at the appropriate overtime rate. The file did include a time limit extension signed by both the NALC and USPS representatives. The file also contained a letter from management stating some documents requested by the union (PS Forms 3996, ODL changes and a mandate roster) were no longer available or did not exist. The DRT fashioned the remedy based on the available reports and information in the case file.

Applicable contract language from Article 8 in the JCAM is shown below in relevant part:

*8.5.D If the voluntary "Overtime Desired" list does not provide sufficient qualified people, qualified full-time regular employees not on the list may be required to work overtime on a rotating basis with the first opportunity assigned to the junior employee.*

*8.5.G Full-time employees not on the "Overtime Desired" list may be required to work overtime only if all available employees on the "Overtime Desired" list **have worked up to twelve (12) hours in a day** or sixty (60) hours in a service week. Employees on the "Overtime Desired" list:*

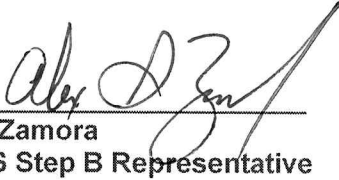
- 1. may be required to work up to twelve (12) hours in a day and sixty (60) hours in a service week (subject to payment of penalty overtime pay set forth in Section 4.D for contravention of Section 5.F); and*
- 2. excluding December, shall be limited to no more than twelve (12) hours of work in a day and no more than sixty (60) hours of work in a service week.*

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However, the Employer is not required to utilize employees on the "Overtime Desired" list at the penalty overtime rate if qualified employees on the "Overtime Desired" list who are not yet entitled to penalty overtime are available for the overtime assignment.

**Mandatory Overtime.** One purpose of the Overtime Desired List is to excuse full-time carriers not wishing to work overtime from having to work overtime. Before requiring a non-ODL carrier to work overtime on a non-scheduled day or off his/her own assignment on a regularly scheduled day, management must seek to use a carrier from the ODL, even if the ODL carrier would be working penalty overtime. However, if the Overtime Desired List does not provide sufficient qualified fulltime regulars for required overtime, Article 8.5.D permits management to move off the list and require non-ODL carriers to work overtime on a rotating basis starting with the junior employee.

Based on the review of the case file, the DRT agreed to the decision and remedy above.



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Alex Zamora  
USPS Step B Representative



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Jim Ruetze  
NALC Step B Representative

**Grievance File Contents:**

Table of Contents  
PS Form 8190  
Formal A Meeting Request  
Request for Documentation  
Union Statement (2 pages)  
Letter from Supervisor  
Union Contentions (4 pages)

Union Spreadsheets (10 pages)  
Overtime Alert (4 pages)  
Hours Analysis Report (13 pages)  
Employee Moves Report (22 pages)  
Unit Daily Record (6 pages)  
Overtime Desired List (2 pages)

cc:

LR Manager, Southern Area  
NALC NBA, Region 10  
Rio Grande District HR Manager  
Rio Grande District LR Manager,  
USPS Formal A Representative

NALC Branch President  
NALC Formal A Representative  
Postmaster  
DRT File

## Payout Request History for Grievance 18500420

[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	\$13.30	ROLLER	JEFFREY	6108	PP16 FY2018	KBY9N0	03/08/2019	<input type="button" value="D"/>
New		1	\$13.44	GARCIA	ROLANDO	2948	PP16 FY2018	KBY9N0	03/08/2019	<input type="button" value="D"/>
New		1	\$20.30	ALLTOP	DENNIS	4772	PP16 FY2018	KBY9N0	03/08/2019	<input type="button" value="D"/>
New		1	\$22.68	RUDELLE	CORY	7848	PP16 FY2018	KBY9N0	03/08/2019	<input type="button" value="D"/>
New		1	\$30.38	KETCHUM	LESLEY	9276	PP16 FY2018	KBY9N0	03/08/2019	<input type="button" value="D"/>
New		1	\$31.50	CRUZ	JUAN	1365	PP16 FY2018	KBY9N0	03/08/2019	<input type="button" value="D"/>
New		1	\$31.78	ORTA	JOE	8333	PP16 FY2018	KBY9N0	03/08/2019	<input type="button" value="D"/>
New		1	\$60.62	MATTHIES	KEVIN	8828	PP16 FY2018	KBY9N0	03/08/2019	<input type="button" value="D"/>
New		1	\$67.06	CHILDS	MARY	1543	PP16 FY2018	KBY9N0	03/08/2019	<input type="button" value="D"/>
New		1	\$69.16	MORALES	VICTOR	2004	PP16 FY2018	KBY9N0	03/08/2019	<input type="button" value="D"/>
New		1	\$77.00	WELCH	KEVIN	0596	PP16 FY2018	KBY9N0	03/08/2019	<input type="button" value="D"/>
New		1	\$77.98	MELENDEZ	JULIO	7725	PP16 FY2018	KBY9N0	03/08/2019	<input type="button" value="D"/>
New		1	\$78.96	SAUCEDO	YOLANDA	9523	PP16 FY2018	KBY9N0	03/08/2019	<input type="button" value="D"/>
New		1	\$79.10	ZAPATA	JOSEPH	5528	PP16 FY2018	KBY9N0	03/08/2019	<input type="button" value="D"/>
New		1	\$92.26	JOHNSON	SILAS	4046	PP16 FY2018	KBY9N0	03/08/2019	<input type="button" value="D"/>
New		1	\$100.66	CHILDRESS	GREGORY	8189		KBY9N0	03/08/2019	

