

RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G16N-4G-C 1850 0421
Rose Barner	Grievant:	Class
NALC:	Branch Grievance Number:	421-202-19
Jose Portales	Branch:	421
	Installation:	San Antonio
District:	Delivery Unit:	Beacon Hill
Rio Grande	State:	TX
	Incident Date:	07/14/2018-07/20/2018
	Informal Step A Initiated:	02/22/2019
	Formal Step A Meeting:	03/22/2019
USPS Formal A:	Date Received at Step B:	04/03/2019
Frank Ossont	Step B Decision Date:	04/12/2019
NALC Formal A:	Issue Code:	08.5450
Rene Hernandez	NALC Subject Code:	120051



ISSUE:

Did management violate Article 8.5 of the National Agreement by mandating non-overtime desired list (non-ODL) and work assignment carriers to work overtime on and off their assignments when ODL carriers were 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
04387499	Aguilar J	\$9.63	02192055	Saucedo, Y	\$8.13
04323581	Bosley, P	\$19.00	02380911	Childs, M.	\$18.98
01966651	Matthies, K	\$43.55	02353498	Childress, G	\$83.98
02148756	Zapata, J	\$39.91	02033054	Garcia, D	\$67.21
03415922	Welch, K	\$28.60	01977389	Johnson, S	\$25.61
03509712	Macias, R	\$83.72	04223127	Ruddell, C	\$50.83
01998691	Melendez, J	\$59.41	02349621	Meade, D	\$25.09
02152054	Regalado, D	\$179.90	03366084	Hidalgo, R	\$35.00
03532392	Gonzalez, H	\$267.15	03324042	Johnson, D	\$163.84
03103532	Santana, A	\$235.35	03110662	Rodriguez, G	\$159.20
01988799	Rodriguez, R	\$104.00	04661285	Padilla, D.	\$69.50
03339115	Ramos, L	\$150.46	02439335	Gilbert, G.	\$38.38
04223066	Hernandez, R.	\$249.90			

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

RIO GRANDE DISPUTE RESOLUTION TEAM
10410 Perrin Beitel Road, Rm 1059
San Antonio, TX 78284-9608
PHONE 210-368-1760, 210-368-1784, FAX 210-368-8525

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 contends at this time management does not have access to GATS at this time. They are asking DRT for assistance to pay out grievance. Management will gain access by the end of April.

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 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.*

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.

RIO GRANDE DISPUTE RESOLUTION TEAM
10410 Perrin Beitel Road, Rm 1059
San Antonio, TX 78284-9608
PHONE 210-368-1760, 210-368-1784, FAX 210-368-8525

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.



Rose Barner
USPS Step B Representative



Jose Portales
NALC Step B Representative

Grievance File Contents:

Formal Step A Meeting Request
Time Limit Extension
PS Form 8190
Formal A Meeting Request
PS Form 8190
Request for Documentation
Union Contentions (4 pages)

Memo from Supervisor
Union Spreadsheets (10 pages)
Overtime Alert (4 pages)
Hours Analysis Report (14 pages)
Employee Moves Report (22 pages)
Unit Daily Record (6 pages)
Overtime Desired List (2 pages)
Management Contention

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 18500421

4/12/2019

<input checked="" type="checkbox"/> Not Processed By Payroll <input checked="" type="checkbox"/> New (Not yet sent to Payroll) <input checked="" type="checkbox"/> Pending (Not back from Payroll) <input checked="" type="checkbox"/> Submitted (Received acknowledgment from Payroll, awaiting processing)		<input checked="" type="checkbox"/> Payroll Processed <input checked="" type="checkbox"/> Paid (Back from Payroll without error) <input checked="" type="checkbox"/> Payroll Error (Back from Payroll with error)	
<input style="border: 1px solid black;" type="button" value=" < Back "/>		<input style="border: 1px solid black;" type="button" value=" Show History "/>	

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	\$8.13	SAUCEDO	YOLANDA	9523	PP15 FY2018	YSZ1BC	04/12/2019	Details Delete Edit
New		3	\$9.63	AGUILAR	JANEL	0074	PP15 FY2018	YSZ1BC	04/12/2019	Details Delete Edit
New		3	\$18.98	CHILDS	MARY	1543	PP15 FY2018	YSZ1BC	04/12/2019	Details Delete Edit
New		3	\$19.00	BOSLEY	PHILLIP	1194	PP15 FY2018	YSZ1BC	04/12/2019	Details Delete Edit
New		3	\$25.09	MEADE	DANIEL	9903	PP15 FY2018	YSZ1BC	04/12/2019	Details Delete Edit
New		3	\$25.61	JOHNSON	SILAS	4046	PP15 FY2018	YSZ1BC	04/12/2019	Details Delete Edit
New		3	\$28.60	WELCH	KEVIN	0596	PP15 FY2018	YSZ1BC	04/12/2019	Details Delete Edit
New		3	\$35.00	HIDALGO	RIGOBERTO	4751	PP15 FY2018	YSZ1BC	04/12/2019	Details Delete Edit
New		3	\$38.38	GILBERT	GLENN	9639	PP15 FY2018	YSZ1BC	04/12/2019	Details Delete Edit
New		3	\$39.91	ZAPATA	JOSEPH	5528	PP15 FY2018	YSZ1BC	04/12/2019	Details Delete Edit
New		3	\$43.55	MATTHIES	KEVIN	8828	PP15 FY2018	YSZ1BC	04/12/2019	Details Delete Edit
New		3	\$50.83	RUDELLE	CORY	7848	PP15 FY2018	YSZ1BC	04/12/2019	Details Delete Edit
New		3	\$59.41	MELENDEZ	JULIO	7725	PP15 FY2018	YSZ1BC	04/12/2019	Details Delete Edit

