

RESOLVE



STEP B DECISION

Step B Team:
 USPS:
Robin Gutman
 NALC:
Louise K. Jordan

District:
Rio Grande

USPS Formal A:
Leo Rodriguez
 NALC Formal A:
Rigoberto Hidalgo

Decision: **RESOLVE**
 USPS Number: **G16N-4G-C 1919 3869**
 Grievant: **Class**
 Branch Grievance Number: **421-388-19**
 Branch: **421**
 Installation: **San Antonio**
 Delivery Unit: **Beacon Hill**
 State: **Texas**
 Incident Date: **03/22/2019**
 Informal Step A Initiated: **03/28/2019**
 Formal Step A Meeting: **04/04/2019**
 Date Received at Step B: **04/08/2019**
 Step B Decision Date: **04/17/2019**
 Issue Code: **08.5450**
 NALC Subject Code: **120051**

ISSUE:

Did management violate Article 8.5 of the National Agreement when they mandated Non-ODL carriers and work assignment carriers to work overtime when there were available ODL carriers? If so, what is the appropriate remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file did evidence a violation of Article 8.5. Payment has been made by the Step B team to the carriers listed below. See DRT Explanation.

<u>EIN</u>	<u>Carrier</u>	<u>Remedy</u>	<u>EIN</u>	<u>Carrier</u>	<u>Remedy</u>
04409239	Arce, D	\$420.00	02148756	Zapata, J	\$21.28
01692296	Nichols, A	\$ 32.48	03415922	Welch, K	\$19.88
02192055	Saucedo, Y	\$40.74	04190161	Martinez, E	\$17.22
02439335	Gilbert, G	\$39.62	03509712	Macias Jr., R	\$62.02
03649368	Alltop, D	\$13.16	03593848	Perales, A	\$18.90
02380911	Childs, M	\$21.42	04360805	Mazuca, R	\$119.98
04406983	Williams Jr., G	\$441.42	03110662	Rodriguez, G	\$165.62
02076142	Orta, J	\$7.42	03339115	Ramos, L	\$56.00
04387499	Agular, J	\$13.30	01988799	Rodriguez, R	\$336.00
04466169	Castenada, J	\$37.10	02353498	Childress, G	\$56.00
04323581	Bosley, P	\$44.80			

EXPLANATION:

The union contends management was in violation of Article 8.5 during the week of 03/16/2019 through 03/22/2019, at the Beacon Hill Station 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 Article 8.5 of the National Agreement when they improperly utilized work assignment carriers and non-ODL carriers to carry auxiliary assistance off their assigned route without first maximizing the ODL and city Carrier Assistants (CCA's).

Management contends carrier Zander agreed with management to relinquish all overtime while on detail at district training. Management also contends CCA's are not guaranteed work hours.

The DRT determined that there was a violation of Article 8.5 when non-ODL carriers and work assignment carriers were forced to work overtime off assignment when there were available ODL carriers. The team looked at non-ODL carriers working overtime on their own routes but agreed the file was void of any documentation to show the carrier properly notified management they would be unable to complete their assignment in eight hours.

Applicable contract language from 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.

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.*

Handbook M-41, City Delivery Carriers Duties and Responsibilities states in relevant part:

131.33 Unless otherwise instructed by a unit manager, deliver all mail distributed to your route prior to the leaving time for that trip and complete delivery within scheduled time. It is your responsibility to inform management when this cannot be done.

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



Robin Gutman
USPS Step B Representative



Louise K. Jordan
NALC Step B Representative

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cc:

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District Manager, Rio Grande District
NALC NBA, Region 10
Rio Grande District HR Manager
Rio Grande District LR Manager
Postmaster

NALC Branch President
USPS Formal A Representative
NALC Formal A Representative
DRT File

Grievance File Contents:

PS Form 8190
Informal Step A request for Documentation
Formal Step A Request
Union Contentions (4 pages)
Carrier Zander Statement
Union Spreadsheets (10 pages)
Hours Analysis Report (7 pages)
Overtime Alert Report (4 pages)
Employee Move Report (11 pages)
Carrier Schedule (2 pages)
ODL Sign Up Sheet (2 pages)

Payout Request History for Grievance 19193869

[HELP](#)

no data

<p><u>Not Processed By Payroll</u></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><u>Payroll Processed</u></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	\$7.42	ORTA	JOE	8333	PP7 FY2019	KMGQXV	04/18/2019
New		1	\$13.16	ALLTOP	DENNIS	4772	PP7 FY2019	KMGQXV	04/18/2019
New		1	\$13.30	AGUILAR	JANEL	0074	PP7 FY2019	KMGQXV	04/18/2019
New		1	\$17.22	MARTINEZ	ERIC	3802	PP7 FY2019	KMGQXV	04/18/2019
New		1	\$18.00	PERALES	ALONSO	6676	PP7 FY2019	KMGQXV	04/18/2019
New		1	\$19.88	WELCH	KEVIN	0596	PP7 FY2019	KMGQXV	04/18/2019
New		1	\$21.28	ZAPATA	JOSEPH	5528	PP7 FY2019	KMGQXV	04/18/2019
New		1	\$21.42	CHILDS	MARY	1543	PP7 FY2019	KMGQXV	04/18/2019
New		1	\$32.48	NICHOLS	ANDREW	0956	PP7 FY2019	KMGQXV	04/18/2019
New		1	\$37.10	CASTANEDA	JAIRO	7233	PP7 FY2019	KMGQXV	04/18/2019
New		1	\$39.62	GILBERT	GLENN	9639	PP7 FY2019	KMGQXV	04/18/2019
New		1	\$40.74	SAUCEDO	YOLANDA	9523	PP7 FY2019	KMGQXV	04/18/2019
New		1	\$44.80	BOSLEY	PHILLIP	1194	PP7 FY2019	KMGQXV	04/18/2019
New		1	\$56.00	CHILDRESS	GREGORY	8189	PP7 FY2019	KMGQXV	04/18/2019
New		1	\$56.00	RAMOS	LUIS	6123	PP7 FY2019	KMGQXV	04/18/2019
New		1	\$62.02	MACIAS	ROGELIO	0298		KMGQXV	04/18/2019

							PP7 FY2019			
New		1	\$119.98	MAZUCA	ROGER	9471	PP7 FY2019	KMGQXV	04/18/2019	
New		1	\$165.62	RODRIGUEZ	GUILLERMO	4620	PP7 FY2019	KMGQXV	04/18/2019	
New		1	\$336.00	RODRIGUEZ	RENE	2960	PP7 FY2019	KMGQXV	04/18/2019	
New		1	\$420.00	ARCE	DAVID	7717	PP7 FY2019	KMGQXV	04/18/2019	
New		1	\$441.42	WILLIAMS	GEORGE	5945	PP7 FY2019	KMGQXV	04/18/2019	
Total New: \$1,983.46										
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											