

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

Schenequa Neal
USPS Representative

1112 18th Street
Plano, TX 75074
PH # 972-578-4703
Fax #972-578-8054

Kimetra Lewis
NALC Representative



STEP B DECISION

Step B Team: Kimetra Lewis
Schenequa Neal

District: Rio Grande
Deciding District: Dallas

Formal Step A Parties
NALC: Albert Smith
USPS: Jennifer Jordon

Decision: RESOLVED
USPS Number: G11N-4G-C 15368877
Grievant: Mario Carrasco
Branch Grievance Number: 421-795-15
Branch Number: 421
Installation: San Antonio
Delivery Unit: Arsenal
State: Texas
Incident Date: 09/08/2015
Date Informal Step A Initiated: No Meeting
Formal Step A Meeting Date: 11/14/2015
Date Received at Step B: 11/17/2015
Step B Decision Date: 11/17/2015
USPS Issue Code: 10.3200
NALC Issue Code: 100265
Original Step B Received Date:
Date Sent To Assisting Team:

ISSUE: Did Management violate Articles 10 and 30 of the National Agreement when Management denied leave scheduled prior to January 15, 2015? If so, what is the appropriate remedy?

DECISION: The Dispute Resolution Team (DRT) has agreed to **RESOLVE** this grievance. A violation has occurred. As the **REMEDY**, the grievant will be permitted to submit a request for eight (8) hours of annual leave to be used at the grievant's discretion. The Grievant must notify Management of the intended dates via PS Form 3971 no later than the Saturday prior to the posting of the schedule for the requested service week. The Grievant has until December 31, 2015 to make the leave selection. Management cannot deny the request even if the full complement of letter carriers allowed off has been met.

EXPLANATION: On January 31, 2015, the grievant, Mario Carrasco submitted a request to management for eight (8) hours of "hot leave"; leave in excess of 440 hours. The date for the request for annual leave was September 8, 2015. The leave block was full and the grievant's request for annual leave was denied at that time. Carrier Jesse Colunga who was scheduled for the same leave block cancelled his scheduled leave. On September 1, 2015, a member of management disapproved the request due to staffing.

Mario Carrasco
G11N-4G-C 15368877
421-793-15

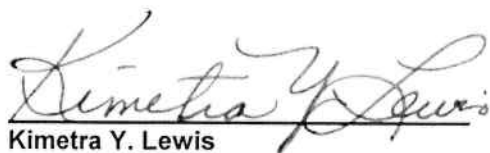
The Union contends the grievant's request for annual leave should have been honored as incidental leave. The Union contends management's actions are in violation of their Local Memorandum of Understanding (LMOU), Section 9 which states:

“Non-choice vacation periods shall be AWARDED by office wide seniority within each station, branch, or merged post office but all annual leave for each employee in excess of 440 must be scheduled by January 31. Hot leave may or may not be granted during the month of December. The determination will be according to the needs of the service.”

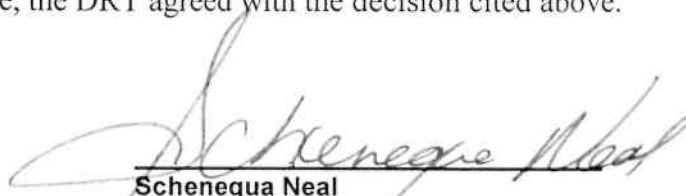
Management contends every effort is given to approve incidental leave when requested; however, there are times when leave must be denied. Management contends the week of September 7 – 13th; Arsenal's leave board was full. Management contends in addition a new carrier bid into the station with scheduled leave for that week. Management contends Arsenal also had 2 carriers out on IOD, 5 carriers on detail and 1 carrier on AWOL pending. Management contends the grievant had 197 hours of “hot leave” at the beginning of the year. As of 11/07/2015, the grievant's annual leave balance was 437.78.

The DRT carefully reviewed the evidence presented within the grievance file and considered the positions of both parties. The vacation poll for the Arsenal Station shows that during the week of September 7, 2015 – September 13, 2015; the station was allotted six (6) slots for choice vacation. The Union argued that Carrier Colunga cancelled his leave for that week and provided a statement from Carrier Colunga to validate their assertion. Management stated that Carrier Eric Martinez bid into the station and had scheduled leave for that week; however, there was no evidence provided to support management's claim.

Based upon the record of the grievance file, the DRT agreed with the decision cited above.


Kimetra Y. Lewis

NALC Step B Representative


Schenequa Neal

USPS Step B Representative

CC: Rio Grande DRT

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- Prior Step B Decision – G06N-4G-C 12176777
- Statement from Jesse Colunga
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- PS Form 3971
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