

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

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USPS Representative

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Laura Maglaris  
NALC Representative



**RESOLVED**



STEP B DECISION

Step B Team: Laura Maglaris  
James Chandler

Decision: RESOLVED

USPS Number: G11N-4G-C 16398083

Grievant: Class Action

Branch Grievance Number: 421-373-16

Branch Number: 421

Installation: San Antonio

Delivery Unit: Cedar Elm

State: Texas

Incident Date: 2/13/2016

Informal Step A Meeting Date: 2/26/2016

Formal Step A Meeting Date: Unknown

Date Received at Step B: 5/23/2016

Step B Decision Date: 5/26/2016

USPS Issue Code: 11.6300

NALC Issue Code: 506002

District Grieving: Rio Grande  
District Deciding: Dallas

Formal Step A Parties:  
Michael Moreno, USPS  
John Kruithof, NALC

**ISSUE:** Did management violate Articles 11 and/or 30 of the National Agreement when they improperly mandated FTR employees to work their non-scheduled day on the holiday schedule prior to scheduling available CCA employees? If so, what is the appropriate remedy?

**DECISION:** The DRT **RESOLVED** this grievance. Violations did occur; the following carriers will be paid a lump sum of \$112.00 each, representative of an additional 50% at the straight time rate for all hours worked on 2/13/2016. These payments will be entered into GATS at the Step B level.

NAME	EMPLOYEE ID#	AMOUNT
S Inman	02255682	\$112.00
J Kruithof	01994982	\$112.00
W Smith	01398698	\$112.00
J Garcia	02441904	\$112.00

**EXPLANATION:** The Union contends management violated Articles 11 and/or 30 when they failed to properly poll FTR volunteers to work the holiday schedule. The Union contends management improperly mandated four (4) FTR non-volunteers to work their designated holiday and excused five (5) CCA employees on 2/13/2016.

**Management contends** the CCAs were utilized at other facilities. Management contends they have worked with Mr. Kruithof many times throughout the year on allowing him time off and does not believe this warrants additional compensation. Management cited ELM, 665.1, M-41, 112.21 and 133.1; and M-39, 111.1.

**The DRT determined** the case file established a violation of the LMOU pecking order occurred when four (4) FTR non-volunteer carriers were mandated to work their non-scheduled days and five (5) CCA employees were available to work the holiday schedule of 2/13/2016. There is no evidence to show there were any volunteers to work the holiday schedule that were not selected.

Management's contention that all of the CCA employees were utilized at other facilities on that day is not supported with any documentation. The file contains clock rings that show each of the five CCAs had zero work hours on 2/13/2013.

The LMOU for Branch 421 and subsequent pre-arb settlement dated 6/26/2013 regarding an impasse of LMOU negotiations provides a pecking order which establishes that language from the Das Award regarding the default pecking order for holiday scheduling will be incorporated into the 2011-2016 LMOU accordingly:

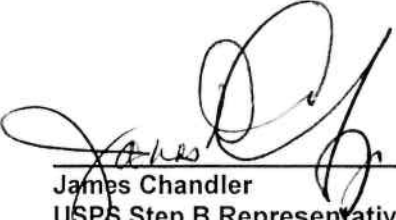
ARTICLE 11  
HOLIDAYS

Section 6. Holiday Schedule

D. City Carrier Assistant Employees

Qualified CCAs will be scheduled for work on a holiday or designated holiday after all full-time volunteers are scheduled to work on their holiday or designated holiday. They will be scheduled, to the extent possible, prior to any full-time volunteers or non-volunteers being scheduled to work a nonscheduled day or any full-time non-volunteers being required to work their holiday. If the parties have locally negotiated a pecking order that would schedule full-time volunteers on a nonscheduled day, the Local Memorandum of Understanding will apply.

Per Article 15.2 Step B (c), this DRT agreed upon a compromise settlement after reviewing prior arbitration decision B01N-4B-C 07036847 and the Step B Decision for San Antonio, G06N-4G-C 13074118 dated 2/04/2013; both of which involved the same violation.

  
James Chandler  
USPS Step B Representative

  
Laura Maglaris  
NALC Step B Representative

cc: Rio Grande DRT

Contents: 8190, NALC Contentions, Time Limit Extensions, NALC Requests, Grievants' Statements, Holiday Poll dated 2/15/2016, TACS Hours Analysis Reports, LMOU Impasse Appeal dated 5/5/2013, Pre-Arb Settlements G11N-4G-I 13204701, G11N-4G-I 13204719 and G11N-4G-I 13204661, LMOU Impasse Letter, Weekly Schedule, USPS Contentions, XXXEND

## Payout Request History for Grievance

16398083

[HELP](#)

<p>no data</p> <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>	
<p>&lt; Back</p>		<p>Show History</p>	

### 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	\$112.00	SMITH	WILLIAM	2447	PP4 FY2016	VCMRB0	05/26/2016	<a href="#">Details</a>
New		1	\$112.00	GARCIA	JOSE	9972	PP4 FY2016	VCMRB0	05/26/2016	<a href="#">Details</a>
New		1	\$112.00	KRUITHOF	JOHN	0892	PP4 FY2016	VCMRB0	05/26/2016	<a href="#">Details</a>
New		1	\$112.00	INMAN	SEAN	8682	PP4 FY2016	VCMRB0	05/26/2016	<a href="#">Details</a>
Total New: \$448.00										
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											