



STEP B DECISION

Step B Team:	Decision:	<u>RESOLVE</u>
USPS:	USPS Number:	G11N-4G-C 1739 3049
Alex Zamora	Grievant:	Class Action
NALC:	Branch Grievance Number:	421-1343-16
James D Kimbrell	Branch:	421
	Installation:	San Antonio
	Delivery Unit:	Thousand Oaks
District:	State:	Texas
Rio Grande	Incident Date:	12/20/2016 – 12/26/2016
	Date Informal Step A Initiated:	No Meeting
Formal A Designees:	Formal Step A Meeting Date:	03/09/2017
USPS: E. Cordova	Date Received at Step B:	03/14/2017
NALC: W. McCain	Step B Decision Date:	03/16/2017
	Issue Code:	11.6300
	NALC Subject Code:	506002

ISSUE:

Issue statement 1. Did management violate the National Agreement to include Articles 11.6, 19 via the ELM and or the LMOU Article 11 when management failed to post the schedule on Tuesday the week prior to the week of the holiday? If so, what is the remedy?

Issue statement 2. Did management violate the National Agreement to include Articles 11.6, 19 via the ELM 434, and/or the LMOU when management failed to pay the Holiday premium pay? If so, what is the remedy?

Issue statement 3. Did management violate the National Agreement to include Articles 8.8, 11.4, 11.6, 19 via the ELM when management failed to pay the 8 hour guarantee pay for the holiday and SDO regular carriers? If so, what is the remedy?

Issue statement 4. Did management violate Article 15, 17, and 31 of the National Agreement when management failed to provide the requested information for this grievance, failed to meet at the Informal A, and failed to meet at the Formal A for this grievance? If so, what is the remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The union listed four issue statements and they are addressed as follows:

The case file evidenced a violation when the holiday schedule wasn't posted by Tuesday of the week preceding the holiday week. Management will comply with the language found in Article 11.6.A concerning this issue.

RIO GRANDE DISPUTE RESOLUTION TEAM
10410 Perrin Beitel, Room 1059
San Antonio, TX 78284-8430
PHONE 210-368-1760, FAX 210-368-8525

The case file evidenced a violation concerning full-time regular employees not receiving holiday scheduling premium. Management at the local level will submit a pay adjustment for all carriers who were required to work on their holiday or designated holiday as well as those who volunteered in accordance with ELM § 434.53.c.1. Proof of the submitted adjustment will be provided to Steward McCain within seven days of receipt of this decision. Proof of payment will be provided to Steward McCain upon completion.

The case file evidenced a violation concerning full-time regular employees not receiving an eight-hour guarantee or pay in lieu of work. Management at the local level will submit a pay adjustment for any SDO or Holiday carriers that didn't work eight hours to bring them up to their eight-hour guarantee. Proof of the submitted adjustment will be provided to Steward McCain within seven days receipt of this decision. Proof of payment will be provided to Steward McCain upon completion.

The case file did not evidence a violation of the union's fourth issue statement. The union was in possession of all relevant documents upon appeal to Step B. The PS Form 8190 also contained a signature from the management Formal Step A designee.

EXPLANATION:

The union contends management violated the National Agreement by not posting the Christmas Holiday schedule by Tuesday of the preceding service week. The union also contends that carriers who volunteered or did not volunteer to work on their holiday or designated holiday were not paid holiday scheduling premium. The union also argued that carriers who worked on their SDO or designated holiday were not paid the eight hour reporting guarantee. The union also argued that requested information was not provided by management.

The union requests as remedy that management cease and desist violating Article 11.6 and the parties LMOU regarding the pecking order for scheduling holidays. That management pay 8 hours to all holiday/SDO carriers for their reporting guarantee and pay carriers holiday scheduling premium in accordance with the ELM.

Management met at Formal Step A, but did not provide any contentions.

The DRT reviewed the entire case file and determined that violations did occur. Relevant contract language is as follows. Page 11-2 of the JCAM states the following in relevant part:

***Guarantees.** A full-time employee who is "called in" to work on a holiday or a day designated as the employee's holiday is guaranteed eight hours of work (or pay if there is less than eight hours of work available).*

Article 11.6.A of the National Agreement states:

*The Employer will determine the number and categories of employees needed for holiday work and **a schedule shall be posted as of the Tuesday preceding the service week in which the holiday falls.***

The parties LMOU states:

The Employer agrees that after the required number of assignments have been determined, the method of selecting employees to work on holidays or designated holidays shall be as follows: (Schedules for employees for holiday purposes will be posted no later than Tuesday preceding the service week in which the holiday falls).

Relevant language from the ELM is as follows:

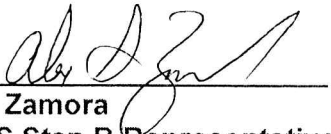
434.53 Pay Computation

Provisions concerning pay computation are as follows:

Section C.

A holiday scheduling premium equal to 50 percent of the amount paid in 434.53a is paid to eligible employees for time actually worked on a holiday or on the employee's designated holiday (except Christmas) when the holiday schedule is not posted in accordance with national agreements, as follows:

1. If the schedule is not posted as of Tuesday preceding the service week in which the holiday falls, a full-time regular bargaining unit employee who is required to work on his or her holiday or designated holiday, or who volunteers to work on that day, receives holiday scheduling premium for each hour of work, not to exceed 8 hours. This premium is in addition to both holiday leave pay and holiday-worked pay.



Alex Zamora
USPS Step B Representative



James D Kimbrell
NALC Step B Representative

Grievance File Contents:

PS Form 8190
Union Contentions (3 pgs)
Carrier Statements (5 pgs)
Carrier Schedule (2 pgs)
Christmas Holiday Vacation Poll
Hours Analysis Report (15 pgs)
Employee Everything Report (8 pgs)
Seniority Roster (2 pgs)

Overtime Desired List (5 pgs)
Request to be removed from OTDL (2 pgs)
Union Information request
Formal Step A meeting request
Envelope copy
Management designation letter
Time Limit extensions (4 pgs)
Text Message Screenshot

cc: District Manager, Rio Grande District
NALC NBA, Region 10
Manager, Human Resources, Rio Grande District
Manager, Labor Relations, Rio Grande District
Postmaster, San Antonio
NALC Branch President
USPS Formal A Representative
NALC Formal A Representative
DRT File