

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

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Laura Maglaris
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RESOLVED



STEP B DECISION

Step B Team: Laura Maglaris
Schenequa Neal

Decision: RESOLVED
USPS Number: G11N-4G-C 16565614
Grievant: Class Action
Branch Grievance Number: 421-452-16
Branch Number: 421
Installation: San Antonio
Delivery Unit: Valley Hi
State: Texas
Incident Date: 5/24/2016
Informal Step A Meeting Date: 6/16/2016
Formal Step A Meeting Date: 7/8/2016
Date Received at Step B: 7/18/2016
Step B Decision Date: 7/21/2016
USPS Issue Code: 11.6000
NALC Issue Code: 506003

District Grieving: Rio Grande
District Deciding: Dallas

Formal Step A Parties:
Eva Ulanoff, USPS
Tony Boyd, NALC

ISSUE: Did management violate Article 11.6 of the National Agreement when they failed to post the holiday schedule by the Tuesday prior to the service week? If so, what is the appropriate remedy?

DECISION: The DRT **RESOLVED** this grievance. A violation did occur; management will cease and desist failing to post the Holiday schedule by the Tuesday prior to the service week.

EXPLANATION: It is undisputed by the Formal Step A parties that the Holiday schedule for the Memorial Day holiday was not posted by the Tuesday prior to the service week.

The Union contends management violated Article 11.6 when they failed to post the holiday schedule by the Tuesday prior to the service week. The Union contends two carriers were mandated to work their scheduled day off (SDO) on the Saturday, 5/24/2016 holiday schedule and were not given proper notice per Article 11.6. The Union requests as remedy that these two carriers be paid an additional 50% holiday premium.

Management contends the holiday schedule was not timely posted due to the 204b not being aware of the requirement to post holiday schedules by the Tuesday prior. Management contends the Union failed to establish harm to these two carriers when the schedule was not posted by 5/24/2016. Management contends they have corrected the

problem by documenting the 204b was given training on the contractual requirement to post holiday schedules by the Tuesday prior to the service week.

The DRT determined based on the documentation in the file, a violation did occur; however, the particular circumstances presented in this grievance did not warrant a monetary award to the affected carriers that were mandated to work their SDO on a holiday schedule.

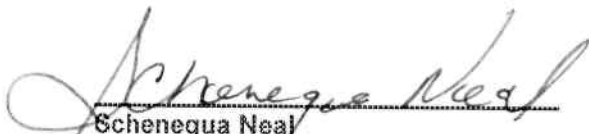
The carriers that were identified as being scheduled to work their SDO are Laura Garcia and Mark Gomez. The Holiday Poll included in the file indicates by signature that Laura Garcia and Mark Gomez volunteered to work their SDO for this holiday schedule.

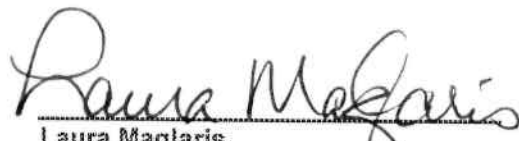
JCAM, Page 11-4:

Holiday Schedule Posting. The provisions of Article 11.4.A concerning straight-time pay for holiday work apply to all full-time employees whose holiday schedule is properly posted in accordance with this section. If the holiday schedule is not posted as of Tuesday preceding the service week in which the holiday falls, a full-time employee **required to work on his or her holiday or designated holiday**, or who volunteers to work on such day, will receive holiday scheduling premium for each hour of work, up to eight hours. However, the ELM Section 434.53.c(2) provides that:

ELM 434.53.c(2) In the event that, subsequent to the Tuesday posting period, an emergency situation attributable to Act(s) of God arises that requires the use of manpower on that holiday in excess of that scheduled in the Tuesday posting, full-time regular employees who are required to work or who volunteer to work in this circumstance(s) do not receive holiday scheduling premium.

As stated above, the carriers identified worked their **non-scheduled day** and as such were already compensated overtime pay for all hours worked. The case file did not establish this is a repetitive violation. In addition, management conceded a violation occurred when the holiday schedule was not posted timely and has taken corrective measures to prevent future violations by training the 204b supervisor on the contractual requirements of Article 11.6.


Schenequa Neal
USPS Step B Representative


Laura Maglaris
NALC Step B Representative

cc: Rio Grande District DRT

Contents: 8190, NALC Contentions, Carrier Statement, Email Correspondence, NALC Requests, Steward Certification, Holiday Poll, USPS Contentions, 3972s, TACS Reports, Informal Step A Notes, Form 2548, XXXXEND