



RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G16N-4G-C 1918 7243
Robin Gutman	Grievant:	Joshua Garza
NALC:	Branch Grievance Number:	421-386-19
Louise K. Jordan	Branch:	421
	Installation:	San Antonio
District:	Delivery Unit:	Beacon Hill
Rio Grande	State:	Texas
	Incident Date:	03/09/2019
	Informal Step A Initiated:	No Meeting
	Formal Step A Meeting:	03/28/2019
USPS Formal A:	Date Received at Step B:	04/03/2019
Leo Rodriguez	Step B Decision Date:	04/11/2019
NALC Formal A:	Issue Code:	65.2000
Rigoberto Hidalgo	NALC Subject Code:	600139

ISSUE:

Did management violate Articles 5, 34 and 41 of the National Agreement when management inappropriately deleted or falsified clock rings for the grievant work hours on 11/10/2018? If so, what is the remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file did evidence a violation when the grievant's clock rings were deleted and management entered incorrect information. Management will adhere to provision of the National Agreement. All corrections to letter carrier clock rings will only be done in accordance with the F-21 (Time and Attendance) Handbook, with appropriate supporting documentation. City Carrier Assistant (CCA) Garza will be made whole for the 0.48 hours of penalty overtime. Payment has been made by the Step B team to the carrier listed below. See DRT Explanation.

04583622	Garza, J	\$26.88
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EXPLANATION:

The grievant in this case is Joshua Garza, a city carrier assistant assigned to Beacon Hill Station in San Antonio, TX. On 11/10/2018, he clocked out and ended his tour at 18.98 hours. At 19.60 hours that day, a member of management using EIN 04026223 added an end tour entry for 18.50 hours. On 11/11/2018, a member of management using EIN 03212469 deleted the grievant's end tour entry of 18.98 hours. This action resulted in a loss of 0.48 hours of penalty overtime pay.

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 did not provide any evidence to show CCA Garza was not performing letter carrier duties during the time edited and disallowed by management. Management failed to provide a copy of a PS Form 1017-A (Time Disallowance Record) to support their actions. The union contends management violated Article 5 of the National Agreement when they failed to adhere to the Fair Labor Standards Act by not paying CCA Garza for all the time spent working, as they are obligated by law. The union also contends

management violated Article 34 section A of the National Agreement by not paying CCA Garza for all hours worked on 11/10/2018. The union finally contends management violated Article 41 section 3.k. of the National Agreement by requiring or permitting the grievant to work off the clock as a result of falsification of his clock rings

The union requests a cease and desist of management's manipulation of clock rings, the grievant be made whole for the 0.48 hours lost and he receive \$200.00 compensation for any burden management placed upon the him. The union states Acting Station Manager Leo Rodriguez does not have access to GATS and requests the DRT make the payment and remind management of the responsibilities of acting station managers regarding payment of grievances.

Management contends the current manager was not assigned to Beacon Hill at the time of the alleged incident. He states if there is wrong doing management agrees to rectify, resolve, and make the carrier whole.

The DRT determined a violation was evidenced in this case when the grievant's clock rings were deleted and changed without proper documentation. The union requested a copy of a PS Form 1017-A (Time Disallowance Record) for 11/10/2018. Management did not code the deleted time to "disallowed" in this case file; therefore a PS Form 1017-A was not necessary. The union requested a copy of a PS Form 1260 (Non-Electronic Badge Reader Card) for 11/10/2018, management did not provide one to support their actions. Management is responsible for completing supporting forms as required by established procedures if any changes or adjustments are required to an employee's clock rings. Violations of the articles shown below may occur as a result of management deleting or manipulating clock rings.

The following is the relevant language in the Joint Contract Administration Manual:

Article 5 Prohibition of Unilateral Action

Prohibition on Unilateral Changes. *Article 5 prohibits management taking any unilateral action inconsistent with the terms of the existing agreement or with its obligations under law. Section 8(d) of the National Labor Relations Act prohibits an employer from making unilateral changes in wages, hours or working conditions during the term of a collective bargaining agreement.*

Article 34 Work and/or Time Standard

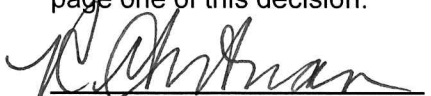
A. *The principle of a fair day's work for a fair day's pay is recognized by all parties to this Agreement.*

Article 41 Letter Carrier Craft

41.3. A Section 3. Miscellaneous Provisions

K. *Supervisors shall not require, nor permit, employees to work off the clock.*

The file clearly evidences a violation when the clock rings enter by the grievant were deleted. CCA Garza entered his move to the office at 18.98 and then his end tour ring at 18.98. Management (EIN 04026223) entered his end tour for 18.50 hours. The DRT considered the explanation by management in combination with the evidence in the case file and could not mutually agree that additional monetary remedy would be appropriate in this case at this time. Based on the contents of the file, the DRT mutually agreed the appropriate resolution is on page one of this decision.


Robin Gutman
USPS Step B Representative


Louise K. Jordan
NALC Step B Representative

RIO GRANDE DISPUTE RESOLUTION TEAM
10410 Perrin Beitel Road, Rm 1059
San Antonio, TX 78284-9608
PHONE 210-368-1760, 210-368-1784, FAX 210-368-8525

cc: Area Manager of LR, Southern Area Postmaster
NALC NBA, Region 10 NALC Branch President
DM, Rio Grande District USPS Formal A Representative
Manager, HR, Rio Grande District NALC Formal A Representative
Manager, LR, Rio Grande District DRT File

Grievance File Contents:

PS Form 8190	Request for Informal Step A Meeting
Management's Contentions	Union's Contentions
Request for Formal Step A Meeting	Employee Everything Report (3 pages)

Payout Request History for Grievance 19187243

[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	\$26.88	GARZA	JOSHUA	4955	PP6 FY2019	KMGQXV	04/15/2019	<input type="button" value="Details"/>
Total New: \$26.88										
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											