



RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G16N-4G-C 1918 7255
Robin Gutman	Grievant:	Rene Rodriguez
NALC:	Branch Grievance Number:	421-385-19
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 01/26/2019? 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. Carrier Rodriguez will be made whole for the 1.39 hours of overtime. Payment has been made by the Step B team to the carrier listed below. See DRT Explanation.

01988799	Rodriguez, R	\$79.80
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EXPLANATION:

The grievant in this case is Rene Rodriguez, a full time letter carrier assigned to Beacon Hill Station in San Antonio, TX. On 01/26/2019, he clocked out and ended his tour at 16.90 hours. On 01/28/2019, a member of management using EIN 02221461 deleted the entry and entered an end tour for 15.51 coding the entry as "Time Disallowed". This action resulted in a loss of 1.39 hours of 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 Carrier Rodriguez was not performing letter carrier duties during the time edited and disallowed by management. Management failed to provide a copy of the PS Form 1017-A (Time

Disallowance Record). 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 Carrier Rodriguez 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 Carrier Rodriguez for all hours worked on 01/26/2019. 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 1.39 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 carrier whole.

The DRT determined a violation was evidenced in this case when the grievant's clock rings were deleted and a code for disallowed time was entered without proper documentation. 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. The relevant language from the Handbook F-21 concerning disallowing time is shown below:

Handbook F-21 -Time and Attendance

146.2 Clock Time Requiring Approval

146.22 Disallowing Time

In those cases where an employee's clock rings exceed 8.08 hours and the employee was not engaged in work or work-related activities while in the time-over-8 status, supervisors must disallow the time on the clock that was not worked.

146.23 Examples of Proper Disallowance of Time

Examples of time that may be properly disallowed include, but are not limited to:

- a. *Washup time* — Time spent by an employee changing clothes and/or washing up after his or her tour ends that exceeds the time allotted for such purposes in applicable collective bargaining agreements.
- b. *Waiting time* — Time spent by an employee while waiting to start work at the beginning of a tour when the employee was not instructed or otherwise required to wait.
- c. *Personal time* — Time spent by an employee, before his or her tour begins or after his or her tour ends, attending to personal matters.
- d. *Mealtime* — Time spent by an employee "on the clock" during a designated meal period, provided, of course, that the employee was completely relieved of all duties and responsibilities and performed no work during this period.

The instructions for PS Form 1017-A (Time Disallowance Record) clearly state when the supervisor may use the disallowed time code.

Note: Only when a supervisor observes, or has reason to know, that an employee did not work, while "on the clock," may the supervisor

disallow any such time that the employee recorded. The supervisor must document the basis for any such disallowance.

A Unauthorized early begin tour ring no work performed before beginning of tour.

B Unauthorized late end tour ring - no work performed after the end of tour.

C Unauthorized short lunch rings - no work performed during official lunch period.

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

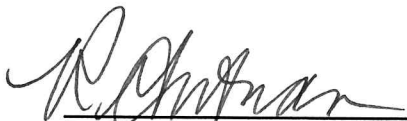
A. The principle of a fair day's work for a fair day's pay is recognized by all parties to this Agreement.

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 a member of management deleted the clock rings enter by the grievant. Carrier Rodriguez entered his move to the office at 16.77 and then his end tour ring at 16.90. The data downloaded from his Mobile Delivery Device (MDD) recorded his last scan at 16:48 (16.80). Management (EIN 02221461) entered his end tour as 15.51. The DRT could not agree that a monetary remedy was appropriate in this instant case. 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

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	Union's Contentions
Management's Contentions	Route Detail Report
Request for Formal Step A Meeting	Employee Everything Report (3 pages)
Request for Informal Step A Meeting	MDD Computer Page Printout

Payout Request History for Grievance 19187255

[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	\$79.80	RODRIGUEZ	RENE	2960	PP6 FY2019	KMGQXV	04/15/2019	<input type="button" value=" Details"/>
Total New: \$79.80										
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											