



STEP B DECISION

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| Step B Team: | Decision: | RESOLVE |
| USPS: | USPS Number: | G11N-4G-C 1405 0633 |
| Michael Goden | Grievant: | Luis Amescua |
| NALC: | Branch Grievance Number: | 421-1075-13 |
| Karrie Blough | Branch: | 421 |
| | Installation: | San Antonio |
| | Delivery Unit: | NE Carrier Annex |
| District: | State: | TX |
| Rio Grande | Incident Date: | 12/03/2013-01/01/2014 |
| | Informal Step A Initiated: | 12/17/13 |
| Formal Step A Reps: | Formal Step A Meeting : | 01/09/14 |
| USPS: Arnold Pena | Date Received at Step B: | 01/21/14 |
| NALC: Bill Etherton | Step B Decision Date: | 01/24/14 |
| | Issue Code: | 29.4000 |
| | NALC Subject Code: | 100060 |

ISSUE:

Did management violate Article 29 of the National Agreement by failing to provide the grievant with non-driving duties, or pay in lieu thereof, after his driving privileges were revoked/suspended? If so, what is the appropriate remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file evidenced a violation of the National Agreement. The grievant's driving privileges have already been reinstated. As remedy, the grievant will be made whole for the period of time he was forced to use annual leave and LWOP when non-driving duties were not offered. Annual leave in the amount of 49.49 hours and LWOP in the amount of 31.73 hours will be adjusted by management at the unit to reflect administrative leave within 7 days of the receipt of this decision. Proof of the adjustment will be provided to the grievant and the union immediately upon completion of the adjustment. See DRT Explanation.

EXPLANATION:

The union contends the grievant's driving privileges were suspended by the acting station manager Arnold Pena. Mr. Pena stated the grievant's driving privileges were not suspended per Article 29 and that he was complying with the court order made by Bexar County, Texas Adjudication. The grievant had complied with all aspects of the court order. The order did not say an ignition interlock device needed to be installed in his postal vehicle. The order gave two choices; his vehicle or the vehicle most regularly driven by him. Mr. Pena argued that management's interpretation was that it was to be the vehicle most regularly driven by the grievant. The grievant provided further documentation that specifically said installing the device in his personal vehicle was acceptable. Management still would not reinstate his driving privileges.

