



RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G16N-4G-C 2035 2166
Rose Barner	Grievant:	Class Action
NALC:	Branch Grievance Number:	421-928-20
Jim Ruetze	Branch:	421
	Installation:	Eagle Pass
District:	Delivery Unit:	Main Post Office
Rio Grande	State:	TX
	Incident Date:	07/20/2020
	Informal Step A Initiated:	08/04/2020
	Formal Step A Meeting:	08/13/2020
	Date Received at Step B:	08/17/2020
	Step B Decision Date:	09/10/2020
	USPS Issue Code:	01.6000
	NALC Subject Code:	100004

ISSUE:

Did management violate Article 1.6 of the National Agreement when 204B Supervisor Jesus Chio performed city letter carrier bargaining unit work on July 20, 2020? 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. Management, to include 204b supervisors, must not perform bargaining unit work outside the provisions of Article 1.6 of the National Agreement. The carriers listed below are awarded lump sum payments; payouts have been made at Step B. See the DRT explanation below.

Employee	EIN	Hours	Remedy
Perez, R	02194666	0.62	\$36.58
Rodriguez, O	04233586	2.22	\$127.74
Rodriguez, G	04299439	1.78	\$105.02
Rodriguez, J	02240917	0.65	\$38.35
Valdez, J	04226476	1.17	\$69.03
	Total:	6.44	\$376.72

EXPLANATION:

On July 20, 2020 management utilized 204B Chio to carry route 16 while on higher level as shown on PS Form 1723, Assignment Order.

The union filed this grievance to protest 204B Chio performing bargaining unit work. 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 is in violation of Article 1.6 of the National Agreement when 204b Jesus Chio on July 20, 2020 performed bargaining unit work for approximately 10.71 hours. The union contends Chio was not training or instructing employees, assuring the proper operation of equipment, protecting the safety of employees, or protecting property of the postal service when she carried mail on the days in question. Moreover the union contends sick calls, understaffing, heavy mail volume, etc., do not meet the definition of an emergency as defined in Article 3.F of the National Agreement. The union contends management's failure in this regard has caused significant harm to the letter carriers who should have been assigned this work in the form of wages and benefits.

The union requests management cease and desist from violating Article 1.6 of the National Agreement and that letter carriers each be paid at the applicable pay rate for the time Chio performed city letter carrier work.

Management contends denial of this grievance due to an emergency. Further, on Monday, July 20 several carriers called in sick. Management contends they had to split 2 routes which was unexpected and considered an emergency under Article 3. Management asserts under COVID situations which was one of the reasons one employee called in sick, the Postal Service needs to have some wiggle room. Management stated the union fails to prove Chio was on 204B status on this day other than they reference it; however, he was a carrier on TACS and in DOIS.

The DRT reviewed the case file and determined PS Form 1723, Assignment Order, indicated the dates of the 204B assignment was from June 20 through July 31, 2020 which encompasses the date in question. Although management contends Chio was documented as a carrier in TACS and DOIS, the PS Form 1723 which shows the times and dates of the 204b detail, is the controlling document for determining whether an employee is in a 204b status. Therefore, management performed bargaining unit work outside the provisions of Article 1.6 of the National Agreement. Article 1.6 of the JCAM states the following regarding management performing bargaining unit work.

1.6.A Section 6. Performance of Bargaining Unit Work

A. Supervisors are prohibited from performing bargaining unit work at post offices with 100 or more bargaining unit employees, except:

- 1. in an emergency;*
- 2. for the purpose of training or instruction of employees;*
- 3. to assure the proper operation of equipment;*
- 4. to protect the safety of employees; or*
- 5. to protect the property of the USPS.*

The prohibition against supervisors performing bargaining unit work also applies to acting supervisors (204b). The PS Form 1723, which shows the times and dates of the 204b detail, is the controlling document for determining whether an employee is in a 204b status. A separate PS Form 1723 is used for each detail. A single detail may not be broken up on multiple PS Forms 1723 for the purpose of using a 204b on overtime in lieu of a bargaining unit employee. Article 41.1.A.2 requires that a copy of the PS Form 1723 be provided to the union at the local level.

Management did not establish that any of the conditions in Article 1.6 were present during the time period in question. Based on its review of the case file, the DRT mutually agreed to the decision and remedy above.



Rose Barner
USPS Step B Representative



Jim Ruetze
NALC Step B Representative

cc:

LR Manager, Southern Area
NALC Region 10 NBA
Rio Grande District HR Manager
Rio Grande District LR Manager
Management Formal A Alfredo Contreras

NALC Branch President
NALC Formal Step A Jorge Valdez
Manager, Rio Grande District
Postmaster
DRT File

Grievance File Contents

PS Form 8190
Union Contentions
Management Contentions
Article 41 Excerpt
TACs Document
PS Form 1723
Carrier Schedule
ODL

Employee Moves Report
Carrier Daily Performance Report
Overtime Alert Report
Arbitration Award
Additions and Corrections
Request for Formal A Meeting
Request for Informal A Meeting
Time Limit Extension

Payout Request History for Grievance

20352166

[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		2	\$36.58	PEREZ	RICARDO	9806	PP16 FY2020	YSZ1BC	09/11/2020	<input type="button" value="De"/>
New		2	\$38.35	RODRIGUEZ	JESUS	6718	PP16 FY2020	YSZ1BC	09/11/2020	<input type="button" value="De"/>
New		2	\$69.03	VALDEZ	JORGE	5354	PP16 FY2020	YSZ1BC	09/11/2020	<input type="button" value="De"/>
New		2	\$105.02	RODRIGUEZ	GABRIEL	7901	PP16 FY2020	YSZ1BC	09/11/2020	<input type="button" value="De"/>
New		2	\$127.74	RODRIGUEZ	ORLANDO	4459	PP16 FY2020	YSZ1BC	09/11/2020	<input type="button" value="De"/>
Total New: \$376.72										
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											