



Date Received at Step B (MM/DD/YYYY)

USPS-NALC Joint Step A Grievance Form

INFORMAL STEP A - NALC Shop Steward Completes This Section (See instructions on page 2.)

1. Grievant's Name (Last, first, middle initial) <b>Class Action</b>		2. Grievant's Telephone No. (Include area code) <b>210-527-7523</b>	
3. Seniority Date (MM/DD/YYYY) <b>NA</b>	4. Status (Check one) <input type="checkbox"/> FT <input type="checkbox"/> FTF <input type="checkbox"/> PTR <input type="checkbox"/> PTF <input checked="" type="checkbox"/> CCA		5. Grievant's Employee Identification Number (EIN) <b>NA</b>
6. District, Installation, Work Unit, ZIP Code(s) <b>Rio Grande, San Marcos, MPO, 78665</b>		7. Finance No. <b>48-8075</b>	
8. NALC Branch No. <b>421</b>	9. NALC Grievance No. <b>421-844-19</b>	10. Incident Date (MM/DD/YYYY) <b>20 July, 2019 - CWT</b>	11. Date Discussed With Supervisor (Filing date) <b>7/26/19</b>
12a. Companion MSPB Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		12b. Companion EEO Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
12a. Supervisor's Printed Name, Initials, and Telephone No. <b>Conrad Montgomery (512) 392-4831</b>		12b. Steward's Printed Name, Initials, and Telephone No. <b>RECARLO GARCIA (210) 527-7523</b>	

FORMAL STEP A - Formal Step A Parties Complete This Section (See instructions on page 2.)

14. USPS Grievance No. Obtain prior to Formal Step A meeting.

15. Issue Statement: Provide contract provision(s) and frame the issue(s).  
Did management violate Articles 3, 5, and/or 19 of the National Agreement when they ended an established past practice of carriers taking no-lunches? If so what is the appropriate remedy?

16. Undisputed Facts: List and attach all supporting documents. Use additional paper if necessary. Attachments?  No  Yes Number       
**N/A**

17. UNION'S full, detailed statement of disputed facts and contentions: List and attach all supporting documents. Use additional paper if necessary. Attachments?  No  Yes Number       
**N/A**

18. MANAGEMENT'S full, detailed statement of disputed facts and contentions: List and attach all supporting documents. Use additional paper if necessary. Attachments?  No  Yes Number       
**N/A**

19a. Union Representative: Enter the remedy requested by the union. *The unions and management have agreed to resolve this grievance. Management will abide by the past practice of the carriers at San Marcos Post Office taking a no lunch (Code 9.3).*

19b. Settlement Offer: List any settlement offers by either party on page 3.

20. Disposition (Check one)  Resolved  Withdrawn  Not Resolved Date of Formal Step A Meeting (MM/DD/YYYY) **08/08/2019**

21a. USPS Representative's Name  
**Carolyn Carter**

21b. Telephone No. (Include area code)  
**512 392 41835**

21c. USPS Representative's Signature  
*Carolyn Carter*

21d. Date (MM/DD/YYYY)  
**08-08-2019**

22a. NALC Representative's Name  
**Tony Boyd**

22b. Telephone No. (include area code)  
**210-227-0128**

22c. NALC Representative's Signature  
*Tony Boyd*

22d. Date (MM/DD/YYYY)  
**08/08/2019**



Date Received at Step B (MM/DD/YYYY)

USPS-NALC Joint Step A Grievance Form

INFORMAL STEP A — NALC Shop Steward Completes This Section (See instructions on page 2.)

1. Grievant's Name (Last, first, middle initial) <b>Class Action</b>		2. Grievant's Telephone No. (Include area code) <b>210-527-7523</b>	
3. Seniority Date (MM/DD/YYYY) <b>NA</b>	4. Status (Check one) <input checked="" type="checkbox"/> FT <input type="checkbox"/> FTF <input type="checkbox"/> PTR <input type="checkbox"/> PTF <input checked="" type="checkbox"/> CCA		5. Grievant's Employee Identification Number (EIN) <b>NA</b>
6. District, Installation, Work Unit, ZIP Code® <b>Rio Grande, San Marcos, MPO, 78666</b>		7. Finance No. <b>48-8075</b>	
8. NALC Branch No. <b>421</b>	9. NALC Grievance No. <b>421-844-19</b>	10. Incident Date (MM/DD/YYYY) <b>20 July. 2019 - cont.</b>	11. Date Discussed With Supervisor (Filing date) <b>7/26/19</b>
12a. Companion MSPB Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		12b. Companion EEO Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
13a. Supervisor's Printed Name, Initials, and Telephone No. <b>Conrad Montoya cm (512) 392-4881</b>		13b. Steward's Printed Name, Initials, and Telephone No. <b>RICHARD GONZALES (210) 527-7523</b>	

FORMAL STEP A — Formal Step A Parties Complete This Section (See instructions on page 2.)

14. USPS Grievance No.: Obtain prior to Formal Step A meeting.

15. Issue Statement: Provide contract provision(s) and frame the issue(s).

Did management violate Articles 3, 5, and/or 19 of the National Agreement when they ended an established past practice of carriers taking no-lunches? If so what is the appropriate remedy?

16. Undisputed Facts: List and attach all supporting documents. Use additional paper if necessary. Attachments?  No  Yes Number \_\_\_\_

**NIA**

17. UNION'S full, detailed statement of disputed facts and contentions: List and attach all supporting documents. Use additional paper if necessary. Attachments?  No  Yes Number \_\_\_\_

**NIA**

18. MANAGEMENT'S full, detailed statement of disputed facts and contentions: List and attach all supporting documents. Use additional paper if necessary. Attachments?  No  Yes Number \_\_\_\_

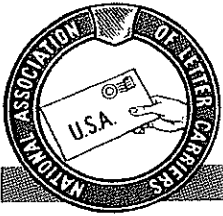
**NIA**

19a. Union Representative: Enter the remedy requested by the union. *The union and management have agreed to resolve this grievance. Management will abide by the past practice of the carriers at San Marcos Post Office taking a no lunch (Code 93).*

19b. Settlement Offer: List any settlement offers by either party on page 3.

20. Disposition (Check one)  Resolved  Withdrawn  Not Resolved Date of Formal Step A Meeting (MM/DD/YYYY) **08/08/2019**

21a. USPS Representative's Name	21b. Telephone No. (Include area code)
21c. USPS Representative's Signature	21d. Date (MM/DD/YYYY)
22a. NALC Representative's Name <b>TONY BOYD</b>	22b. Telephone No. (Include area code) <b>210-227-0128</b>
22c. NALC Representative's Signature <b>Tony Boyd</b>	22d. Date (MM/DD/YYYY) <b>08/08/2019</b>



# National Association of Letter Carriers

Fredric V. Rolando, President

**Javier Bernal**

National Business Agent  
NALC Region 10  
23760 Highway 59 N  
Kingwood, TX  
77339-1529  
281.540.5627  
Fax: 281.540.5667

August 7, 2019

Anthony A. Coward  
Manager, Labor Relations  
P.O. Box 225459  
Dallas, Texas 75222

Re: Article 17 – Outside Designation

Dear Anthony:

In accordance with Article 17.2.D, I am certifying that Tony Boyd, President, NALC Branch 421, San Antonio, TX, will perform the functions of and act in lieu of the steward at the San Marcos Post Office, San Marcos, Texas, to investigate, present and adjust a possible or actual class action grievance (421-844-19) pertaining to Article 5, Past Practice, July 20, 2019. He will also serve as the Formal Step A in accordance with Article 15, Section 2.C, Formal Step A. The activities of Mr. Boyd shall be in lieu of the stewards designated at the San Marcos Post Office under the formula in Article 17, Section 2.A for this specific issue only.

Mr. Boyd is a full-time officer on the rolls in the San Antonio installation, separate from the San Marcos installation.

If there are any questions, feel free to contact me at 281-540-5627.

Sincerely,

Javier Bernal  
National Business Agent  
NALC Region 10

cc: Postmaster, San Marcos  
MPOO, CENTX

**Fredric V. Rolando**  
President

**Brian Renfroe**  
Executive Vice President

**Lew Drass**  
Vice President

**Nicole Rhine**  
Secretary-Treasurer

**Paul Barner**  
Asst. Secretary-Treasurer

**Christopher Jackson**  
Director, City Delivery

**Manuel L. Peralta Jr.**  
Director, Safety & Health

**James W. "Jim" Yates**  
Director, Life Insurance

**Stephanie M. Stewart**  
Director, Health Insurance

**Daniel Toth**  
Director, Retired Members

**Board of Trustees:**

**Larry Brown Jr.**  
Chairman

**Michael J. Gill**  
**Mack I. Julion**

## Proposed Settlement

The union and management have agreed to resolve this grievance. ~~The ~~union~~ ~~management~~ ~~agreed~~ ~~to~~ ~~resolve~~ ~~this~~ ~~grievance~~ ~~by~~ ~~the~~ ~~past~~ ~~practice~~ ~~of~~ ~~taking~~ ~~a~~ ~~lunch~~ ~~in~~ ~~the~~ ~~PM~~~~

Management will abide by the past practice of the carriers at San Marcos Post Office taking a no lunch (Code 93).

May 29 2019

Tony Boyd  
125 W. Grayson St,  
San Antonio, TX 78212-4117

Delivery Confirmation #9114 9999 4431 3952 4947 57

RE: Past Practice "No Lunch"

Tony Boyd,

The purpose of this letter is to provide written notification that management is proposing to change the past practice of "no lunch" requests. In accordance with the JCAM Article 5 - **Changing Past Practices**, we are hereby notifying you of the proposed change. Please contact Postmaster Carolyn Carter at [Carolyn.D.Carter@usps.gov](mailto:Carolyn.D.Carter@usps.gov) to set up an appointment, to discuss the proposed change, within five (5) days of receipt of this letter. This will be your opportunity for input on the proposed change.

Below is the proposed change:

In changing this practice, each "no lunch" request will be considered on a case by case basis at the San Marcos Post Office. This decision is based on the mealtime requirement. No employee may be required to work more than 6 continuous hours without a meal or rest period of at least 1/2 hour. In addition the PS Form 1564A requires the designated meal and break points assigned to the route which must be adhered to. The purpose of the mealtime and breaks for each employee is to ensure they receive proper rest and restoration to complete their job assignment safely.

Below are the ELM and JCAM cites we are using to change this past practice.

#### **ELM**

##### **441.1 Federal Statute**

The Fair Labor Standards Act (FLSA), as amended, applies to the Postal Service. It is the policy of the Postal Service to comply with the FLSA.

##### **432.33 Mealtime**

Except in emergency situations or where service conditions preclude compliance, no employee may be required to work more than 6 continuous hours without a meal or rest period of at least 1/2 hour.

MAY 31 2019

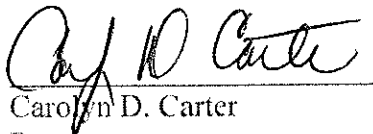
JCAM

**Changing Past Practices that Implement Separate Conditions of**

**Employment.** If the Postal Service seeks to change or terminate a binding past practice implementing conditions of employment concerning areas where the contract is silent, Article 5 prohibits it from doing so unilaterally without providing the union appropriate notice. Prior to making such a change unilaterally, the Postal Service must provide notice to the union and engage in good faith bargaining over the impact on the bargaining unit. If the parties are unable to agree, the union may grieve the change. Management changes in such "silent" contracts are generally not considered violations if 1) the company changes owners or bargaining unit, 2) the nature of the business changes, or 3) the practice is no longer efficient or economical. The first of these has rarely arisen in Postal Service cases involving its numerous bargaining units. A change in local union leadership or the arrival of a new postmaster or supervisor is not, in itself, sufficient justification to change or terminate a binding past practice, as noted in the previous paragraph.

If you have any questions or concerns please contact me at the number below. You may be assured it is our intent to provide a safe, productive and pleasant workplace environment.

Sincerely,



Carolyn D. Carter

Postmaster

San Marcos Post office

512-392-4835

INTERVIEW - STEVEN WALLACE  
ISSUE - NO LUNCH / ONE CLICK LUNCH

7/31/19

① WHAT IS YOUR TITLE?

A) SUPERVISOR (CST SERU - SAN MARCOS)

② HOW LONG HAVE YOU SERVED IN THAT POSITION?

A) ~~2~~ 3 YEARS

③ HOW LONG HAS MANAGEMENT ALLOWED THE PRACTICE OF ONE CLICK AND/OR NO LUNCHES?

A) 2 1/2 YEARS THAT I'M AWARE OF.

④ WHAT IS MANAGEMENT'S CURRENT POSITION ON NO LUNCHES & ONE CLICK LUNCHES?

A) AS LONG AS THEY GET SUPERVISOR APPROVAL AND HAVE NOT WORKED OVERTIME THAT DAY FOR THE ROUTE. WE HAVE OUTLAWED ONE CLICKS BUT DO ALLOW NO LUNCHES AS LONG AS THERE IS NO O.T. ON THEIR RT.

7/31/19

I have been using the 1 click lunch for the past 2 years and this has been the 3rd time that management has forced me to stop doing 1 click or no lunch period. Their excuse time + time again has been from district claiming I use it to get overtime. Which makes no sense because if I put in for overtime whether I take a lunch or not. I still get the time I asked for except now I'm forced to take a lunch that I didn't want. It's usually 90+ degrees so I don't like sitting in my non A/C vehicle roasting for 30 minutes if I could just skip that and go home earlier. It affects my schedule and daily activities as well since we were forced to come in at 7:30 instead of 7 so now I'm dealing with more traffic and it puts my daily schedule behind. Using the 1 click lunch helps my day to day and has no negative affect on the payroll.

JAN MARCOS

C-5

Anthony Leos



2

I, Cody Leiberger, have been aware of the no lunch possibility since around the time I started here in late 2017. I was informed of one-click lunches by a supervisor who had noticed I had worked through a lunch break. I had started doing one-click lunches as it often allowed me to get out of work sooner, or prevented me from sitting in the heat, even if I was under shade. I had also become accustomed to one clicks, because, as a CCT, it was easier to make myself more available to help routers who needed it by returning sooner than learn lunch spots on every router. The recent policy, after recent grievances, has been no lunches are allowed only when the carrier won't be entering overtime. This has been frustrating as a CCT because even if my morning workload stays under or equal to 8 hours, that may not be the case by the end of the day due to unforeseen circumstances or other things unrelated to my work.

SAN MARCOS

Cody Leiberger  
7/31/2019

I Cain Mitchell was told we could not  
one click lunches, even though ~~we~~ I have been  
doing it for the past three years. A grievance  
was filled and we were allowed to go back to  
no lunches. About <sup>two weeks</sup> ~~ago~~ ago we were told  
we could not do no lunches/one click if we  
went into over-time. My reasoning for doing a  
no lunch is ~~my~~ due to my wife taking college  
courses at night, as well as trying to get out  
of the heat as quick as possible.

Cain-mitchell 7/31/2019

**Richard Gould**

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**From:** The After Reviews <martingarza200803@gmail.com>  
**Sent:** Wednesday, July 31, 2019 2:03 PM  
**To:** rgouldvp@nalca421.com  
**Subject:** No Lunches

So back when we started this no lunch fiasco, management had no problem with 1 clock lunches on the time clock, regardless if overtime was a factor or not. Then, slowly the process started getting more and more stricter as time passed on. Management started taking away the one-click method and required all no lunches to be documented on PS form 3971. Then changes started to limit no lunches shortly after this rule was placed. Which changed the rule to no lunches on ONLY 8hr days and NO OVERTIME. If you went into overtime the no lunch rule would be immediately voided and that time that was clocked off before 8hrs would have to be substituted with some form of leave and or LWOP.

-Martin Garza



Report: TAC120R1 v4.002

Restricted USPS T&A Information

Date: 07/26/19

YrPPWk: 2014-15-1 to 2017-14-2

SAN MARCOS TX

Time: 10:55 AM

Fin. #: 48-8075

Guarantee Waivers / No Lunch Authorizations

Page: 1

Weekly

Sub-Unit: 0000

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04300224	OSTOLAZA-PEREZ	L	E	093	10/02/14	12.00		02124147	
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Report: TAC120R1 v4.002

Restricted USPS T&A Information

Date: 07/26/19

YrPPWk: 2014-15-1 to 2017-14-2

SAN MARCOS TX

Time: 10:55 AM

Fin. #: 48-8075

Guarantee Waivers / No Lunch Authorizations

Page: 2

Weekly

Sub-Unit: 0000

Employee ID	Employee Last Name	F I	M I	Tran. Code	Begin Date	Begin Time	Duration	Authorizer	Delete Authorizer
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04347938	SHIPP	D	L	093	12/03/14	12.00		02124147	
04347938	SHIPP	D	L	093	12/07/14	12.00		02348527	
04347938	SHIPP	D	L	093	12/08/14	12.00		03743484	
04347938	SHIPP	D	L	093	12/17/14	12.00		02124147	
04347938	SHIPP	D	L	093	12/26/14	12.00		03743484	
04347938	SHIPP	D	L	093	01/07/15	12.00		03743484	
04347938	SHIPP	D	L	093	01/15/15	12.00		03743484	
04347938	SHIPP	D	L	093	01/20/15	12.00		02124147	02124147
04347998	BIRD	J	A	093	11/09/14	12.00		02348527	
04347998	BIRD	J	A	093	11/25/14	10.00		02124147	
04347998	BIRD	J	A	093	01/23/15	12.00		02124147	
04347998	BIRD	J	A	093	01/25/15	12.00		02124147	
02451174	LUCKETT	H	A	093	12/15/15	10.00		01833174	
02441829	VEGA	A	R	093	08/10/15	11.50		02393123	
02441829	VEGA	A	R	093	03/11/16	11.50		01833174	
02441829	VEGA	A	R	093	03/12/16	11.50		01833174	
02441829	VEGA	A	R	093	04/13/16	11.50		01833174	
02441829	VEGA	A	R	093	05/26/16	11.50		03456576	
02441829	VEGA	A	R	093	06/03/16	11.50		01833174	
02441829	VEGA	A	R	093	06/25/16	11.50		03743484	
02441829	VEGA	A	R	093	03/19/17	10.00		02195432	02321397
02441829	VEGA	A	R	093	03/19/17	10.00		02321397	02014455



Date Received at Step B (MM/DD/YYYY)

USPS-NALC Joint Step A Grievance Form

INFORMAL STEP A — NALC Shop Steward Completes This Section (See instructions on page 2.)

1. Grievant's Name (Last, first, middle initial) Class Action
2. Grievant's Telephone No. (Include area code) 210-527-7523
3. Seniority Date (MM/DD/YYYY) NA
4. Status (Check one) [X] FT [ ] FTF [ ] PTR [ ] PTF [X] CCA
5. Grievant's Employee Identification Number (EIN) NA
6. District, Installation, Work Unit, ZIP Code Rio Grande, San Marcos, MPO, 78666
7. Finance No. 48-8075
8. NALC Branch No. 421
9. NALC Grievance No. 421-303-19
10. Incident Date (MM/DD/YYYY) 02/20/19
11. Date Discussed With Supervisor (Filing date) 3/5/19
12a. Companion MSPB Appeal? [ ] Yes [X] No
12b. Companion EEO Appeal? [ ] Yes [X] No
13a. Supervisor's Printed Name, Initials, and Telephone No. Conrad Montoya CM (512) 392-4831
13b. Steward's Printed Name, Initials, and Telephone No. RICHARD GOULD RD (210) 527-7523

FORMAL STEP A -- Formal Step A Parties Complete This Section (See instructions on page 2.)

14. USPS Grievance No.: Obtain prior to Formal Step A meeting.
15. Issue Statement: Provide contract provision(s) and frame the issue(s).
Did management violate Articles 3, 5, and / or 19 of the National Agreement when they eliminated the past practice of allowing carriers to take one click lunches? If so, what is the appropriate remedy?
16. Undisputed Facts: List and attach all supporting documents. Use additional paper if necessary. Attachments? [ ] No [ ] Yes Number \_\_\_\_
17. UNION'S full, detailed statement of disputed facts and contentions: List and attach all supporting documents. Use additional paper if necessary. Attachments? [ ] No [ ] Yes Number \_\_\_\_
18. MANAGEMENT'S full, detailed statement of disputed facts and contentions: List and attach all supporting documents. Use additional paper if necessary. Attachments? [ ] No [ ] Yes Number \_\_\_\_

19a. Union Representative: Enter the remedy requested by the union.
MANAGEMENT AND THE UNION AGREE THAT THE INSTRUCTION TO ELEMENTATE ONE CLICK LUNCHES AND NO LUNCH PUNCHES IS RESCINDED IMMEDIATELY

19b. Settlement Offer: List any settlement offers by either party on page 3.
20. Disposition (Check one) [X] Resolved [ ] Withdrawn [ ] Not Resolved Date of Formal Step A Meeting (MM/DD/YYYY) 3/12/19
21a. USPS Representative's Name Carolyn D. Carter
21b. Telephone No. (Include area code) 512 392 4835
21c. USPS Representative's Signature [Signature]
21d. Date (MM/DD/YYYY) 03/12/2019
22a. NALC Representative's Name RICHARD GOULD
22b. Telephone No. (Include area code) (210) 527-7523
22c. NALC Representative's Signature [Signature]
22d. Date (MM/DD/YYYY) 3/12/19

2-12-17

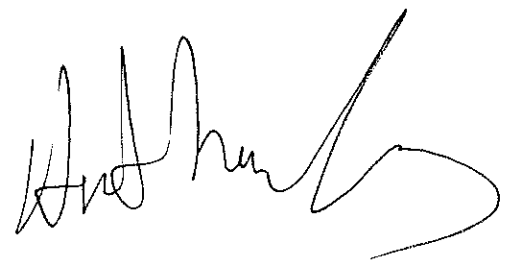
I have been working for USPS  
since 1996. In the past we  
have been able to ~~7:00~~ 1 click lunch  
or no lunch punch

Alicia Wheeler

Anthony Leos C-5

3/12/2019


I Anthony Leos have been doing a no lunch and a 1 click lunch since the beginning of last year 2018. I started in February of 2018 doing the 1 click lunch and have been doing it every day since, and have been told recently that I am not able to do either, the no lunch or 1 click. All of my supervisors have visually watched me at the time clock doing the 1 click and have never had a problem with it.





S-12-2019

I've been working here since November 2017 and have been doing, and allowed to do, one click lunches for the previous year and a few months until it suddenly wasn't allowed in the past few weeks. The ~~one~~ click lunch had been introduced to me as an option by a supervisor and I was never given the impression it was supposed to be a negative thing or something we shouldn't do.

Cody Leibengood  


3-12-19

I, Anthony Vega have been employed at the San Marcos Branch since 1998. I have been able to do a no lunch in the past.

As recently as last week, I did a no lunch because of an appointment.

Anthony R. Vega

3-17-19

I HAVE BEEN WORKING HERE IN THE SAN MARCOS  
FOR OVER 20 YEARS. OVER THE YEARS MANAGEMENT  
HAS ALLOWED A NO LUNCH AND A ONE ~~ONE~~ LUNCH.  
CLICK  
I PERSONALLY DO NOT DO THIS, BUT AM AWARE  
IT'S A PRACTICE IN THIS STATION.

David Romero

My name is Henry Trellis, and I  
have been a S.M.P.O for appx.  
15 years and we have had a  
1 click lunch or a no ~~lunch~~<sup>punch</sup> lunch  
since, I started working @ S.M.P.O

Henry Trellis

I Cain Mitchell have been working at San Marcos Post office for three years. Since I been working at this station I have been doing ~~no~~ Lunch and one Click lunches. On February 28th me and other carriers were told we couldn't take them anymore by the Supervisor Conrad.

3/12/2019

*C. Mitchell*