

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

James Chandler  
USPS Representative

1112 18<sup>th</sup> Street  
Plano, TX 75074  
PH # 972-578-4703  
Fax #972-578-8054

Kimetra Lewis  
NALC Representative



RESOLVED



STEP B DECISION

Step B Team: Kimetra Lewis  
James Chandler

Decision: RESOLVE  
USPS Number: G11N-4G-C 15094417  
Grievant: Class Action  
Branch Grievance Number: 421-110-15  
Branch Number: 421  
Installation: San Marcos  
Delivery Unit: 78666  
State: Texas  
Incident Date: 02/21/2015  
Date Informal Step A Initiated: 02/21/2015  
Formal Step A Meeting Date: 02/27/2015  
Date Received at Step B: 03/03/2015  
Step B Decision Date: 03/13/2015  
USPS Issue Code: 41.1250  
NALC Issue Code: 100277  
Original Step B Received Date:  
Date Sent To Assisting Team:

District: Rio Grande  
Deciding District: Dallas

Formal Step A Parties  
NALC: Edward Quinonez  
USPS: Lee Walsh

**ISSUE:** Did Management violate Articles 3, 8.4.B, 19 and/or 41 of the National Agreement when Management changed city carriers reporting time without proper notice by Wednesday of the preceding week? If so, what is the appropriate remedy?

**DECISION:** The Dispute Resolution Team has agreed to **RESOLVE** this grievance. A violation did occur when Management changed the city carriers reporting times without proper notice by Wednesday of the preceding week. The employees listed below will be compensated at the appropriate pay rate to be entered at the Step B Level of the Grievance/Arbitration Procedure.

| <u>Employee</u> | <u>EIN</u> | <u>Amount</u> |
|-----------------|------------|---------------|
| J Brashears     | 01948392   | \$100.00      |
| A Wheeler       | 02039354   | 80.00         |
| P Lantigua      | 02077022   | 100.00        |
| G Folster       | 02123533   | 100.00        |
| D Iten          | 02126521   | 100.00        |
| J Cain          | 02141007   | 100.00        |
| H Trelles       | 02177901   | 100.00        |
| D Yanez         | 02187333   | 100.00        |
| D Romero, Sr    | 02201151   | 100.00        |

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|            |          |        |
|------------|----------|--------|
| E Quinonez | 02215750 | 80.00  |
| J Medina   | 02252350 | 100.00 |
| A Vega     | 02441829 | 80.00  |
| S Keys     | 02615845 | 100.00 |
| J Loyd     | 03167660 | 100.00 |
| M Suarez   | 03453376 | 80.00  |
| P Calderon | 03660409 | 80.00  |
| T Harris   | 04043170 | 80.00  |
| R Briseno  | 04122157 | 20.00  |

**EXPLANATION:** On February 6, 2015, Management notified carriers at the end of the day that their reporting times would change from 7:30 am to 8:00 am for the non-ODL carriers and 7:00 am to 7:30 am for the ODL carriers effective February 7, 2015. Management notified the carriers by posting a notice on the time clock and on the south side door entrance.

The Union contends Management violated the provisions of Article 8 of the National Agreement which requires Management to notify employees of a temporary change in schedule no later than Wednesday of the preceding week. For this violation, the Union is requesting that each carrier is compensated for the days in which they were required to work outside of their regular schedule.

Management contends carriers start times were changed to meet the operational needs of the Postal Service as the parcel count doubled.

Article 8.4.B of the National Agreement states the following:

**Article 8 Section 4. Overtime Work**

*B. Overtime shall be paid to employees for work performed only after eight (8) hours on duty in any one service day or forty (40) hours in any one service week. Nothing in this Section shall be construed by the parties or any reviewing authority to deny the payment of overtime to employees for time worked outside of their regularly scheduled work week at the request of the Employer. (The preceding paragraph, Article 8.4.B., shall apply to **City Carrier Assistant Employees.**)*

Page 8-4 and Page 8-5 of the JCAM provides:

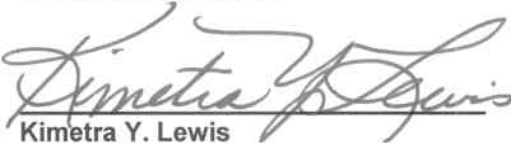
**Out-of-Schedule Premium.** Article 8.4.B refers to the out-of-schedule premium provisions contained in the ELM Section 434.6. They provide that out-of-schedule premium is paid at the postal overtime rate to eligible full-time bargaining unit employees for time worked outside of, and instead of, their regularly scheduled workday or workweek when employees work on a temporary schedule at the request of management.

Only full-time regular and full-time flexible letter carriers may receive out-of-schedule pay. However, this rule does not preclude part-time employees from receiving a monetary remedy for contractual scheduling violations when warranted by fact circumstances (e.g. violations of Article 41.2.B.4). A full-time flexible

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employee's "regular" schedule for the purpose of this provision is the schedule established on the preceding Wednesday (Article 7).

The record of the grievance file shows there was no dispute among the parties that the start times for the carrier's routes were changed on Friday, February 6, 2015 by 30 minutes effective the following day. This is in violation of Article 8.4.B as stated above. Based on the evidence presented within the grievance file, the DRT agreed upon the decision cited above.



Kimetra Y. Lewis  
NALC Step B Representative



James Chandler  
USPS Step B Representative

CC: Rio Grande District

Contents:

- PS Form 8190
- Extension Agreement
- NALC Formal Step A Contentions
- Request for Documentation and Steward Time
- Request for a Formal Step A Meeting
- Prior Step B Decisions
- Statements from Carriers
- Employee Everything Reports
- Notice of Schedule Change
- NALC Worksheets
- End.

## Payout Request History for Grievance 15094417

[HELP](#)

no data

|  |  |
|--|--|
| <p><b><u>Not Processed By Payroll</u></b></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><b><u>Payroll Processed</u></b></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> |
|--|--|

### 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       | \$20.00        | BRISENO   | RODNEY     | 1997 | PP5 FY2015  | VCMRB0       | 03/13/2015     |
| New    |           | 2       | \$80.00        | VEGA      | ANTHONY    | 4775 | PP5 FY2015  | VCMRB0       | 03/13/2015     |
| New    |           | 2       | \$80.00        | QUINONEZ  | EDWARD     | 0800 | PP5 FY2015  | VCMRB0       | 03/13/2015     |
| New    |           | 2       | \$80.00        | WHEELER   | ALICIA     | 8258 | PP5 FY2015  | VCMRB0       | 03/13/2015     |
| New    |           | 2       | \$80.00        | SUAREZ    | MARIA      | 8960 | PP5 FY2015  | VCMRB0       | 03/13/2015     |
| New    |           | 2       | \$80.00        | CALDERON  | PRUDENCIO  | 3454 | PP5 FY2015  | VCMRB0       | 03/13/2015     |
| New    |           | 2       | \$80.00        | HARRIS    | TAMMY      | 2996 | PP5 FY2015  | VCMRB0       | 03/13/2015     |
| New    |           | 2       | \$100.00       | YANEZ     | DANIEL     | 2066 | PP5 FY2015  | VCMRB0       | 03/13/2015     |
| New    |           | 2       | \$100.00       | CAIN      | JAMES      | 7439 | PP5 FY2015  | VCMRB0       | 03/13/2015     |
| New    |           | 2       | \$100.00       | FOLSTER   | GREGORY    | 9372 | PP5 FY2015  | VCMRB0       | 03/13/2015     |
| New    |           | 2       | \$100.00       | TRELLES   | HENRY      | 0967 | PP5 FY2015  | VCMRB0       | 03/13/2015     |
| New    |           | 2       | \$100.00       | ROMERO    | DAVID      | 0864 | PP5 FY2015  | VCMRB0       | 03/13/2015     |
| New    |           | 2       | \$100.00       | MEDINA    | JOSE       | 7770 | PP5 FY2015  | VCMRB0       | 03/13/2015     |
| New    |           | 2       | \$100.00       | ITEN      | DAVID      | 0225 | PP5 FY2015  | VCMRB0       | 03/13/2015     |
| New    |           | 2       | \$100.00       | LOYD      | JEFFREY    | 0005 | PP5 FY2015  | VCMRB0       | 03/13/2015     |
| New    |           | 2       | \$100.00       | LANTIGUA  | PEDRO      | 8345 | PP5 FY2015  | VCMRB0       | 03/13/2015     |
| New    |           | 2       | \$100.00       | BRASHEARS | JEREMY     | 1557 | PP5 FY2015  | VCMRB0       | 03/13/2015     |

|                         |  |   |          |      |        |      |               |        |            |
|-------------------------|--|---|----------|------|--------|------|---------------|--------|------------|
| New                     |  | 2 | \$100.00 | KEYS | STACEY | 9904 | PP5<br>FY2015 | VCMRB0 | 03/13/2015 |
| Total New: \$1,600.00   |  |   |          |      |        |      |               |        |            |
| 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 |                  |         |                |             |         |           |            |     |             |              |                |