

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

James Chandler
USPS Representative

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Kimetra Lewis
NALC Representative



RESOLVED



STEP B DECISION

Step B Team: Kimetra Lewis
James Chandler

District: Rio Grande
Deciding District: Dallas

Formal Step A Parties
NALC: Edward Quinonez
USPS:

Decision: RESOLVE
USPS Number: G11N-4G-C 15091932
Grievant: Class Action
Branch Grievance Number: 421-107-15
Branch Number: 421
Installation: San Marcos
Delivery Unit: 78666
State: Texas
Incident Date: 01/24/2015
Date Informal Step A Initiated: 02/13/2015
Formal Step A Meeting Date: No Meeting
Date Received at Step B: 02/26/2015
Step B Decision Date: 03/09/2015
USPS Issue Code: 08.5410
NALC Issue Code: 120051
Original Step B Received Date:
Date Sent To Assisting Team:

ISSUE: Did Management violate Article 8 of the National Agreement by requiring non-ODL and work assignment carriers to work overtime without maximizing the carriers listed on the overtime desired list during the period of January 24, 2015 – January 30, 2015? If so, what is the appropriate remedy?

DECISION: The Dispute Resolution Team has agreed to **RESOLVE** this grievance. A violation did occur when non-ODL and work assignment carriers were utilized to work overtime while carriers on the “Overtime Desired” list were available. 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.

Non-Overtime Desired List and Work Assignment Carriers

<u>Employee</u>	<u>EIN</u>	<u>Amount</u>
S Keys	02615845	\$55.00
G Folster	02123533	68.00
J Brashers	01948392	23.00
D Iten	02126521	27.00

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J Loyd	03167660	34.00
A Wheeler	02039354	17.00
T Harris	04043170	15.00

Overtime Desired List Carriers

<u>Employee</u>	<u>EIN</u>	<u>Amount</u>
H Trelles	02177901	\$125.00
D Romero	02201151	73.00
M Suarez	03453376	262.00
P Calderon	03660409	139.00
R Briseno	04122157	139.00

EXPLANATION: The Union argued Management violated Article 8 of the National Agreement by improperly working non-ODL and work assignment carriers prior to maximizing the carriers listed on the “Overtime Desired” list during the week of January 24, 2015 through January 30, 2015. The Union contends management’s actions are in violation of Article 8.5.D and 8.5.G of the National Agreement. The Union further contends that management’s actions are in direct violation of the “Letter Carrier Paragraph” which states in part, *“Before requiring a non-ODL carrier to work overtime on a non-scheduled day or off his/her own assignment on a regularly scheduled day, management must seek to use a carrier from the ODL, even if he ODL carrier would be working penalty overtime.”*

Management provided no written contentions to support their actions.

A review of the record revealed that during the week of January 24th through January 30th several non-ODL carriers and work assignment carriers worked overtime on and off their bid assignments.

Page 8-15 of the JCAM provides:

Implementing Memorandum on “Letter Carrier Paragraph.” A memorandum of understanding signed December 20, 1988 (M-00884) further explained the requirement to seek to use auxiliary assistance before requiring letter carriers not on the ODL or Work Assignment List to work overtime on their own route on a regularly scheduled day.

Management must seek to use all of the following to provide auxiliary assistance:

- *part-time flexibles at the straight-time or regular overtime rate*
- *city carrier assistant employees at the straight-time or regular overtime rate*
- *available full-time regular employees such as unassigned or reserve regulars at the straight-time rate*
- *full-time carriers from the Overtime Desired List at the regular overtime rate*

However, the memo states that management does not have to use ODL carriers to provide auxiliary assistance if such an assignment would mean that the ODL carriers would be working penalty overtime. In that limited situation—if no auxiliary assistance is available without going into penalty overtime—management can require full-time regular carriers not on the Overtime Desired List to work overtime on their own routes on a regularly scheduled day. Remember that this limited exception

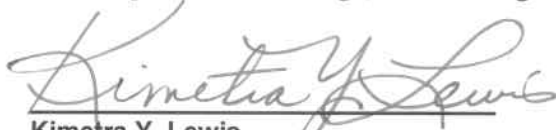
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applies only when a full-time non-ODL letter carrier is required to work overtime on his/her own assignment on a regularly scheduled day.

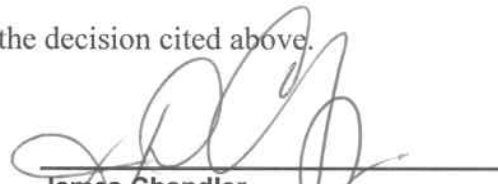
Before requiring a non-ODL carrier to work overtime on a non-scheduled day or off his/her own assignment, management must seek to use a carrier from the ODL, even if the ODL carrier would be working penalty overtime (Article 8.5.D).

Contractually when there are no carriers available from the "Overtime Desired" list to perform overtime assignments at the regular overtime rate, Management can require carriers not on the list to perform those overtime assignments on their own routes on a regularly scheduled day; however, Management cannot require a non-ODL carrier to work overtime off of their bid assignments without seeking to use a carrier from the "Overtime Desired" list, even if the ODL carrier would be working penalty overtime.

Based upon these findings, the DRT agreed with the decision cited above.



Kimetra Y. Lewis
NALC Step B Representative



James Chandler
USPS Step B Representative

cc: Rio Grande DRT

Contents:

- PS Form 8190
- Time Limit Extension
- NALC Formal Step A Contentions
- Request for Documentation and Steward Time
- Request for Formal Step A Meeting
- Carrier Daily Schedule
- NALC Worksheets
- Overtime Alert Report
- Overtime Desired List
- Employee Moves Report
- Hours Analysis Report
- NALC Worksheets
- Carrier Schedule
- Statement from H Trelles
- Employee Everything Report
- Table of Contents
- End.

Payout Request History for Grievance 15091932

[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	\$15.00	HARRIS	TAMMY	2996	PP4 FY2015	VCMRB0	03/09/2015
New		1	\$17.00	WHEELER	ALICIA	8258	PP4 FY2015	VCMRB0	03/09/2015
New		1	\$23.00	BRASHEARS	JEREMY	1557	PP4 FY2015	VCMRB0	03/09/2015
New		1	\$27.00	ITEN	DAVID	0225	PP4 FY2015	VCMRB0	03/09/2015
New		1	\$34.00	LOYD	JEFFREY	0005	PP4 FY2015	VCMRB0	03/09/2015
New		1	\$55.00	KEYS	STACEY	9904	PP4 FY2015	VCMRB0	03/09/2015
New		1	\$68.00	FOLSTER	GREGORY	9372	PP4 FY2015	VCMRB0	03/09/2015
New		1	\$73.00	ROMERO	DAVID	0864	PP4 FY2015	VCMRB0	03/09/2015
New		1	\$125.00	TRELLES	HENRY	0967	PP4 FY2015	VCMRB0	03/09/2015
New		1	\$139.00	CALDERON	PRUDENCIO	3454	PP4 FY2015	VCMRB0	03/09/2015
New		1	\$139.00	BRISENO	RODNEY	1997	PP4 FY2015	VCMRB0	03/09/2015
New		1	\$262.00	SUAREZ	MARIA	8960	PP4 FY2015	VCMRB0	03/09/2015
Total New: \$977.00									
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