

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

Schenequa Neal
USPS Representative

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Andy Alvarado
NALC Representative



RESOLVE



STEP B DECISION

Step B Team: Andy Alvarado
Schenequa Neal

District: Rio Grande
Deciding District: Dallas

Formal Step A Parties
NALC: E Quinonez
USPS: A Avila

Decision: RESOLVE
USPS Number: G11N-4G-C 15274709
Grievant: Class Action
Branch Grievance Number: 421-529-015
Branch Number: 421
Installation: San Marcos
Delivery Unit: San Marcos 78666
State: Texas
Incident Date: 07/11/2015
Date Informal Step A Initiated: 08/05/2015
Formal Step A Meeting Date: 08/13/2015
Date Received at Step B: 08/19/2015
Step B Decision Date: 08/28/2015
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 when they assigned overtime to the Work Assignment and Non ODL carriers prior to working the ODL carriers the week of 07/11/2015 through 07/17/2015? If so, what is the appropriate remedy?

DECISION: The Dispute Resolution Team (DRT) has RESOLVED this grievance. There was a violation. The Dispute Resolution Team reached common ground on the remedy. The following employees will be compensated the following lump sum amounts to be entered at the Step B Level of the Grievance / Arbitration Procedure:

Employee	EIN	Amount
S Keys	02615845	81
T Harris	04043170	35
A Wheeler	02039354	35
J Brashears	01948392	31
R Briseno	04122157	54
J Loyd	03167660	81
M Suarez	03453376	40
H Trelles	02177901	110
D Romero Sr	02201151	60

EXPLANATION: For the dates of 07/11/2015 through 07/17/2015, non-ODL and Work Assignment carriers worked on/off assignment overtime while ODL carriers were available.

The union contends management violated articles 8.5.D, 8.5.G and Article 3 of the National Agreement by improperly utilizing the non ODL and Work Assignment carrier to carry auxiliary assistance off their assigned routes and into overtime status. They state there were ODL carriers available to work the mandated overtime.

Management contends they utilized the carriers to the dispatch of value window. They state some of the carriers had under time. They state a carrier volunteered to carry auxiliary assistance.

National Agreement

8.5.D If the voluntary "Overtime Desired" list does not provide sufficient qualified people, qualified full-time regular employees not on the list may be required to work overtime on a rotating basis with the first opportunity assigned to the junior employee.

National Agreement

8.5.G

G. Full-time employees not on the "Overtime Desired" list may be required to work overtime only if all available employees on the "Overtime Desired" list have worked up to twelve (12) hours in a day or sixty (60) hours in a service week. Employees on the "Overtime Desired" list:

1. may be required to work up to twelve (12) hours in a day and sixty (60) hours in a service week (subject to payment of penalty overtime pay set forth in Section 4.D for contravention of Section 5.F); and
2. excluding December, shall be limited to no more than twelve (12) hours of work in a day and no more than sixty (60) hours of work in a service week.

However, the Employer is not required to utilize employees on the "Overtime Desired" list at the penalty overtime rate if qualified employees on the "Overtime Desired" list who are not yet entitled to penalty overtime are available for the overtime assignment.

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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 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

The grievance file contained the Overtime Alert Report showing the amount of overtime worked.

The grievance file contained the employee moves report showing the assignments for each carrier and the amount of time spent on that assignment.

There were carriers on the non ODL and Work Assignment list working overtime on another assignment.

The grievance file did not contain a dispatch schedule.

The Dispute Resolution Team reviewed all evidence and arguments in the grievance file rendered the above decision.



Andy Alvarado
NALC Step B Representative



Schenequa Neal
USPS Step B Representative

cc: Rio Grande DRT

Contents of the grievance file: PS Form 8190, NALC contentions, Informal Step A request for documentation/steward time/Informal Step A meeting, Request for a Formal Step A meeting, Weekly schedule, Overtime Desired List, Overtime Alert, Employee Moves Report, Hours Analysis, NALC off assignment and Overtime Hours with amended sheet, NALC hours available sheet, NODL/Work Assignment off assignment, Overtime hours request remedy, USPS contentions, time limit extensions, END.

[HELP](#)

Payout Request History for Grievance 15274709

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 style="text-align: right;">< Back</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> <p style="text-align: right;">Show History</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	Buttons
New		2	\$31.00	BRASHEARS	JEREMY	1557	PP16 FY2015	KXYCDG	08/28/2015	Details Delete Edit
New		2	\$35.00	WHEELER	ALICIA	8258	PP16 FY2015	KXYCDG	08/28/2015	Details Delete Edit
New		2	\$35.00	HARRIS	TAMMY	2996	PP16 FY2015	KXYCDG	08/28/2015	Details Delete Edit
New		2	\$40.00	SUAREZ	MARIA	8980	PP16 FY2015	KXYCDG	08/28/2015	Details Delete Edit
New		2	\$54.00	BRISENO	RODNEY	1997	PP16 FY2015	KXYCDG	08/28/2015	Details Delete Edit
New		2	\$60.00	ROMERO	DAVID	0864	PP16 FY2015	KXYCDG	08/28/2015	Details Delete Edit
New		2	\$70.00	YANEZ	DANIEL	2066	PP16 FY2015	KXYCDG	08/28/2015	Details Delete Edit
New		2	\$81.00	LOYD	JEFFREY	0005	PP16 FY2015	KXYCDG	08/28/2015	Details Delete Edit
New		2	\$81.00	KEYS	STACEY	9904	PP16 FY2015	KXYCDG	08/28/2015	Details Delete Edit
New		2	\$110.00	TRELLES	HENRY	0967	PP16 FY2015	KXYCDG	08/28/2015	Details Delete Edit
Total New: \$597.00										
Total Pending: \$0.00										
Total Submitted: \$0.00										

Paid and Errors from Finance

Status	Error or Warning	App Seq	Request Amount	PP Paid	SSN	First Name	Last Name	Relevant PP	Requested By	Date Requested	Buttons
No Data											
Total Paid: \$0.00											
Total Error: \$0.00											