

# DALLAS DISTRICT DISPUTE RESOLUTION TEAM

James Chandler  
USPS Representative

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Kimetra Lewis  
NALC Representative



## STEP B DECISION

Step B Team: Kimetra Lewis  
James Chandler

District: Rio Grande  
Deciding District: Dallas

Formal Step A Parties  
NALC: Edward Quinonez  
USPS: Joe Vasquez

Decision: RESOLVE  
USPS Number: G11N-4G-C 16014844  
Grievant: Class Action  
Branch Grievance Number: 421-764-15  
Branch Number: 421  
Installation: San Marcos  
Delivery Unit: MPO  
State: Texas  
Incident Date: 10/10/2015  
Date Informal Step A Initiated: 11/04/2015  
Formal Step A Meeting Date: 11/12/2015  
Date Received at Step B: 11/16/2015  
Step B Decision Date: 11/24/2015  
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 during October 10-16, 2015 by improperly mandating Non-Overtime Desired Letter Carriers while carriers on the Overtime Desired List were available? If so, what is the appropriate remedy?

DECISION: The Dispute Resolution Team has agreed to RESOLVE this grievance. A violation occurred. The following employees 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 Carriers

<u>Employee</u>	<u>EIN</u>	<u>Amount</u>
S. Keys	02615845	\$ 9.00
M. Suarez	03453376	67.00
E. Quinonez	02215750	28.00
J. Brashears	01948392	19.00

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**Overtime Desired List Carriers**

<b><u>Employee</u></b>	<b><u>EIN</u></b>	<b><u>Amount</u></b>
H. Trelles	02177901	\$107.00
P. Lantigua	02077022	20.00
D. Yanez	02187333	20.00
G. Folster	02123533	64.00
L. Meditz	04348359	113.00

**EXPLANATION:** The Union argued Management violated Article 8 of the National Agreement by improperly working Non-Overtime Desired List Carrier prior to maximizing the Overtime Desired List carriers during the week of October 10-October 16, 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 October 10<sup>th</sup> through October 16<sup>th</sup> 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*

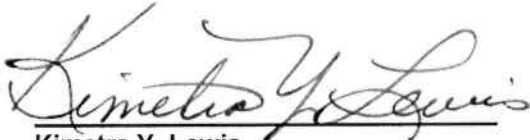
*However, the memo states that management does not have to use ODL carriers to provide auxiliary assistance if such an assignment would mean that the ODL carriers would be working penalty overtime. In that limited situation—if no auxiliary assistance is available without going into penalty overtime—management 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 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.*

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*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.

A review of the documents provided within the grievance file revealed that no contractual violation occurred on October 13<sup>th</sup> and 14<sup>th</sup> because the overtime performed by the non-ODL carriers was overtime worked on their own routes on a regularly scheduled day. 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 District

Contents:

- PS Form 8190
- Time Limit Extension
- NALC Formal Step A Contentions
- Request for Documentation and Steward Time
- Request for a Formal Step A Meeting
- Carrier Schedule
- Overtime Sign-Up Sheet
- Overtime Alert Report
- Employee Moves Report
- Hours Analysis Report
- NALC Overtime Worksheets
- Request to Meet with Management
- Correspondence RE: Union Requests for Information
- Prior Step B Decision
- Grievance for Edward Quinonez
- M-01664
- PS Form 8190
- NALC Overtime Worksheet
- Route/Carrier Daily Performance/Analysis Report
- Carrier Schedule
- PS Form 3996
- Table of Contents
- End.

## Payout Request History for Grievance 16014844

[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>
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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	\$9.00	KEYS	STACEY	9904	PP22 FY2015	VCMRB0	11/24/2015	De
New		2	\$19.00	BRASHEARS	JEREMY	1557	PP22 FY2015	VCMRB0	11/24/2015	De
New		2	\$20.00	YANEZ	DANIEL	2066	PP22 FY2015	VCMRB0	11/24/2015	De
New		2	\$20.00	LANTIGUA	PEDRO	8345	PP22 FY2015	VCMRB0	11/24/2015	De
New		2	\$28.00	QUINONEZ	EDWARD	0800	PP22 FY2015	VCMRB0	11/24/2015	De
New		2	\$64.00	FOLSTER	GREGORY	9372	PP22 FY2015	VCMRB0	11/24/2015	De
New		2	\$107.00	TRELLES	HENRY	0967	PP22 FY2015	VCMRB0	11/24/2015	De
New		2	\$113.00	MEDITZ	LISA	6976	PP22 FY2015	VCMRB0	11/24/2015	De
Total New: \$380.00										
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											