

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

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USPS Representative

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Andy Alvarado  
NALC Representative



RESOLVE



STEP B DECISION

Step B Team: Andy Alvarado  
Schenequa Neal

Decision: RESOLVE  
USPS Number: G11N-4G-C 16097810  
Grievant: Class Action  
Branch Grievance Number: 421-073-16  
Branch Number: 421  
Installation: San Marcos  
Delivery Unit: San Marcos 78666  
State: Texas  
Incident Date: 11/21/2015  
Date Informal Step A Initiated: 01/19/2016  
Formal Step A Meeting Date: 02/18/2016  
Date Received at Step B: 02/25/2016  
Step B Decision Date: 03/01/2016  
USPS Issue Code: 08.5410  
NALC Issue Code: 120051  
Original Step B Received Date:  
Date Sent To Assisting Team:

District: Rio Grande  
Deciding District: Dallas

Formal Step A Parties  
NALC: E Quinonez  
USPS: J Vasquez

**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 11/21/2015 through 11/27/2015? 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
T Harris	04043170	7
R Briseno	04122157	55
M Meditz	04348359	52
D Yanez	02187333	112

**EXPLANATION:** For the dates of 11/21/2015 through 11/27/2015 non-ODL and Work Assignment carriers worked off assignment overtime and the non-scheduled day 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 on/off their assigned routes and into overtime status. They state there were ODL carriers available to work the mandated overtime.

The union contends for the week there were several hours of violations. They state the weekly schedule shows routes open daily. They state had management utilized the auxiliary assistance and ODL carrier properly, no violations would have occurred. They state management is not mandating based on the junior employee.

The union requests an award of compensatory time off with pay (at the straight time rate). They request the non ODL carriers who lost time off due to being improperly mandated to work into overtime on another route be made whole. They request the ODL carriers be awarded overtime and penalty overtime pay up to the maximum daily and weekly work-hour limit for the missed overtime opportunities.

Management contends during the week, there were only 5 ODL carriers in the San Marcos Post Office with 18 city delivery routes plus a collection route and the dorms. They state the ODL carriers were utilized to the fullest extent possible without having service failures and having carriers out delivery in the dark. They state there were 2 carriers on annual leave.

#### **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.

#### **JCAM page 8-15**

**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.

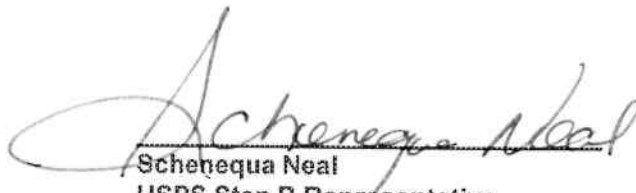
There were carriers on the non ODL and Work Assignment list working overtime on another assignment.

Most of the ODL carriers had approached/reached the 60 hour maximum for the week including the holiday leave therefore were no longer available for any additional time.

The Dispute Resolution Team reviewed all evidence and arguments in the grievance file and 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 Sign-Up Sheet, Overtime Alert, Employee Moves Report, Hours Analysis, NALC off assignment and Overtime Hours, NALC hours available sheet, NODL/Work Assignment off assignment, Overtime hours request remedy, USPS contentions, PS Form 3996, leave/return sheet, time limit extensions, Table of contents, END.

## Payout Request History for Grievance 16097810

[HELP](#)

No Data

**Not Processed By Payroll**

New (Not yet sent to Payroll)  
 Pending (Not back from Payroll)  
 Submitted (Received acknowledgment from Payroll, awaiting processing)

**Payroll Processed**

Paid (Back from Payroll without error)  
 Payroll Error (Back from Payroll with error)

### 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	\$7.00	HARRIS	TAMMY	2996	PP25 FY2015	KXYCDG	03/01/2016	Details Delete Edit
New		2	\$52.00	MEDITZ	LISA	6976	PP25 FY2015	KXYCDG	03/01/2016	Details Delete Edit
New		2	\$55.00	BRISENO	RODNEY	1997	PP25 FY2015	KXYCDG	03/01/2016	Details Delete Edit
New		2	\$112.00	YANEZ	DANIEL	2066	PP25 FY2015	KXYCDG	03/01/2016	Details Delete Edit
Total New: \$226.00										
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	Buttons
No Data												
Total Paid: \$0.00												
Total Error: \$0.00												