

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

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Laura Maglaris
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RESOLVED



STEP B DECISION

Step B Team: Laura Maglaris
Schenequa Neal

Decision: RESOLVED
USPS Number: G11N-4G-C 16510161
Grievant: Class Action
Branch Grievance Number: 421-514-16
Branch Number: 421
Installation: San Marcos
Delivery Unit: MPO

District Grieving: Rio Grande
District Deciding: Dallas

State: Texas
Incident Date: 5/21/2016
Informal Step A Meeting Date: 6/10/2016
Formal Step A Meeting Date: 6/17/2016
Date Received at Step B: 6/21/2016
Step B Decision Date: 6/30/2016
USPS Issue Code: 08.5410
NALC Issue Code: 120051

Formal Step A Parties:
Michelle Soliz, USPS
Edward Quinonez, NALC

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 5/21/2016 through 5/27/2016? If so, what is the appropriate remedy?

DECISION: The DRT **RESOLVED** this grievance. Violations of Article 8 did occur. Non ODL/Work Assignment carriers J Cain (02141007), G Folster (02123533), T Harris (04043170); ODL carriers D Romero Sr. (02201151), R Briseno (04122157), A Vega (02441829) and P Calderon (03660409) will be paid as specified on the GATS attachment. Payment will be input into GATS at the Step B level.

EXPLANATION:

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 carriers to carry auxiliary assistance off their assigned routes and into overtime status. They stated 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 several routes open. They stated had management utilized the auxiliary assistance and ODL carriers properly, no violations would have occurred. They stated management is not mandating based on the junior employee.

Management contends due to staffing issues and penalty overtime avoidance carriers not on the ODL were used. They stated the mandating of overtime was done to avoid late returning carriers and to meet the dispatch of value.

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 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 (Article 8.5.D).

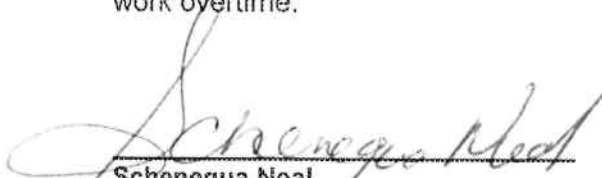
The memo goes on to state that "the determination of whether management must use a carrier from the ODL to provide auxiliary assistance must be made on the basis of the rule of reason." For example, management is not required to use a carrier from the ODL when the travel time would be excessive for the amount of assistance being given. The full text of the memorandum is reprinted at the end of this article.

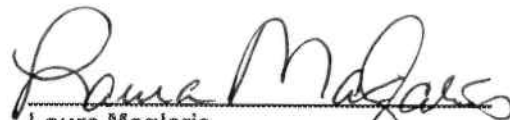
A Carrier Technician's "own route" for the purpose of applying Article 8.5.C.2.d and the "Letter Carrier Paragraph" is the specific route to which properly assigned on a given day. Overtime on any other route on the string is not considered to be on the Carrier Technician's "own route" and may only be required under the provisions of Article 8.5.D, below (Step 4, E94N-4E-C 98097684, October 2, 1998, M-01322).

The union stated carrier A Leos was mandated to work overtime. Carrier A Leos is not listed anywhere on the ODL contained in the file. The DRT was unable to determine if the carrier is on the list or off the list.

The union stated carrier L Meditz was mandated to work overtime. The ODL signup included in the grievance file shows carrier L Meditz as a 10/12 hour designation. There was no evidence included in the grievance file showing carrier Meditz removed their name from the ODL.

The union stated carrier E Quinonez was mandated to work overtime. The ODL signup included in the grievance file shows carrier E Quinonez is a Work Assignment carrier. Carrier E Quinonez is a Carrier Technician. The employee everything report shows carrier E Quinonez worked on his string of routes for the dates identified as being mandated to work overtime.


Schenequa Neal
USPS Step B Representative


Laura Maglaris
NALC Step B Representative

cc: Rio Grande District DRT

Contents: PS Form 8190, NALC contentions, Informal Step A request for documentation/steward time/meeting, Request for a Formal Step A meeting, Overtime Sign-Up Sheets, 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, Schedule, time limit extension Informal A, Form 0-13 for removal from ODL, Formal A Table of contents, END.

Hours Adjustment History for Grievance 16510161

[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)

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New, Pending and Submitted Requests

Status	GATS Code	App Seq	Total Hours38	Total Hours39	Last Name	First Name	SSN	Relevant pp & Week	Requested By	Date Requested	Letter Nbr	Buttons
New	no data	1	1.67	0	FOLSTER	GREGORY	9372	PP11 FY2016 WK2	KXYCDG	06/30/2016	1	Details Retract
New	no data	1	0	2	BRISENO	RODNEY	1997	PP11 FY2016 WK2	KXYCDG	06/30/2016	1	Details Retract
New	no data	1	2.53	0	CAIN	JAMES	7439	PP11 FY2016 WK2	KXYCDG	06/30/2016	1	Details Retract
New	no data	1	0.57	4.49	VEGA	ANTHONY	4775	PP11 FY2016 WK2	KXYCDG	06/30/2016	1	Details Retract
New	no data	1	1.92	0	HARRIS	TAMMY	2996	PP11 FY2016 WK2	KXYCDG	06/30/2016	1	Details Retract
New	no data	1	0.13	3.71	CALDERON	PRUDENCIO	3454	PP11 FY2016 WK2	KXYCDG	06/30/2016	1	Details Retract

New	no data	1	0	1.34	ROMERO	DAVID	08664	PP11	KXYCDG	06/30/2016	1	<input type="button" value="Details"/>	<input type="button" value="Retract"/>
								FY2016					
								WK2					

Paid and Errors from Finance

Status	Error Code	App Seq	Amt Paid	PP Paid	Last Name	First Name	SSN	Relevant PP & Week	Requested By	Date Requested	<input type="button" value="Buttons"/>
No Data											