

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

Schenequa Neal
USPS Representative

1112 18th Street
Plano, TX 75074
PH # 972-578-4703
Fax #972-578-8054

Laura Maglaris
NALC Representative



RESOLVED



STEP B DECISION

Step B Team: Laura Maglaris
Schenequa Neal

Decision: RESOLVED

USPS Number: G11N-4G-C 16555081

Grievant: Class Action

Branch Grievance Number: 421-524-16

Branch Number: 421

Installation: San Marcos

Delivery Unit: MPO

State: Texas

Incident Date: 5/28/2016

Informal Step A Meeting Date: 6/18/2016

Formal Step A Meeting Date: 6/28/2016

Date Received at Step B: 6/28/2016

Step B Decision Date: 7/8/2016

USPS Issue Code: 08.5410

NALC Issue Code: 120051

District Grieving: Rio Grande

District Deciding: Dallas

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 5/28/2016 through 6/3/2016? If so, what is the appropriate remedy?

DECISION: The DRT **RESOLVED** this grievance. Violations of Article 8 did occur. Non ODL/Work Assignment carriers T Harris (04043170), G Folster (02123533), A Wheeler (02039354), D Iten (02126521), L Meditz (04348359), M Suarez (03453376); ODL carriers D Romero Sr. (02201151), R Briseno (04122157), A Vega (02441829), H Trelles (02177901) and B Varaira-Peralta (04440591) will be paid as specified on the GATS attachment. Payment will be input into GATS at the Step B level.

EXPLANATION:

The Step A parties have agreed as an undisputed fact that JJ Brashears, M Suarez and L Meditz are 8 hour only carriers. The Step A parties have agreed as an undisputed fact that D Iten, A Wheeler, G Folster and T Harris are Work Assignment carriers.

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 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 they deemed it necessary to work non ODL carriers due to the amount of vacant routes. They stated daily there were call-ins in addition to the scheduled leave already in place. They stated to avoid safety issues such as heat exhaustion carrying in the dark.

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

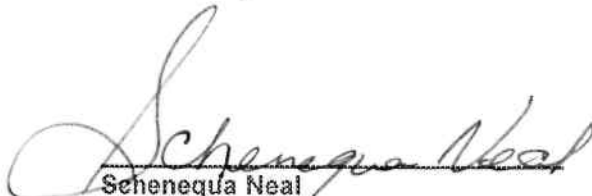
However, the memo states that management does not have to use ODL carriers to provide auxiliary assistance if such an assignment would mean that the ODL carriers would be working *penalty overtime*. In that limited situation—if no auxiliary assistance is available without going into penalty overtime—management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

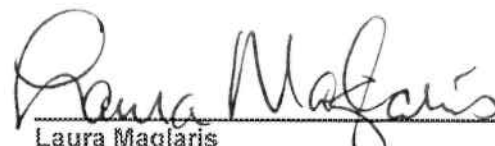
Before requiring a non-ODL carrier to work overtime on a non-scheduled day or off his/her own assignment, management must seek to use a carrier from the ODL, even if the ODL carrier would be working penalty overtime (Article 8.5.D).

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 indicated carrier J Brashears was mandated to work overtime on 5/31/2016 and 6/3/2016. The evidence in the grievance file shows carrier J Brashears worked the overtime on his assignment. The ODL carriers were worked up to penalty overtime for both days.


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, Leave/Return time forms, PS Forms 3996, Leave Usage Log, Leave Summary by Day Report, Formal A Table of contents, END.

Hours Adjustment History for Grievance
16555081

[HELP](#)

no data

Not Processed By Payroll **Payroll Processed**

New (Not yet sent to Payroll) Paid (Back from Payroll without error)

Pending (Not back from Payroll) Payroll Error (Back from Payroll with error)

Submitted (Received acknowledgment from Payroll, awaiting processing)

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 | 1.65 | 0 | MEDITZ | LISA | 6976 | PP12 FY2016 WK1 | KXYCDG | 07/08/2016 | 1 | <input type="button" value="Details"/> <input type="button" value="Retract"/> |
| New | no data | 1 | 3.71 | 0 | HARRIS | TAMMY | 2996 | PP12 FY2016 WK1 | KXYCDG | 07/08/2016 | 1 | <input type="button" value="Details"/> <input type="button" value="Retract"/> |
| New | no data | 1 | 1.92 | 0 | FOLSTER | GREGORY | 9372 | PP12 FY2016 WK1 | KXYCDG | 07/08/2016 | 1 | <input type="button" value="Details"/> <input type="button" value="Retract"/> |
| New | no data | 1 | 0 | 1.84 | ROMERO | DAVID | 0864 | PP12 FY2016 WK1 | KXYCDG | 07/08/2016 | 1 | <input type="button" value="Details"/> <input type="button" value="Retract"/> |
| New | no data | 1 | 0 | 2 | NAVAIRA-PERALTA | BOBBY | 6057 | PP12 FY2016 WK1 | KXYCDG | 07/08/2016 | 1 | <input type="button" value="Details"/> <input type="button" value="Retract"/> |
| New | no data | 1 | 1.48 | 4.5 | VEGA | ANTHONY | 4775 | PP12 FY2016 WK1 | KXYCDG | 07/08/2016 | 1 | <input type="button" value="Details"/> <input type="button" value="Retract"/> |

| | | | | | | | | | | | | | |
|-----|---------|---|------|------|---------|--------|------|-----------------------|--------|------------|---|--|--|
| New | no data | 1 | 2.48 | 0 | SUAREZ | MARIA | 8960 | PP12 FY2016 WK1 | KXYCDG | 07/08/2016 | 1 | <input type="button" value="Details"/> | <input type="button" value="Retract"/> |
| New | no data | 1 | 1 | 0 | WHEELER | ALICIA | 8258 | PP12 FY2016 WK1 | KXYCDG | 07/08/2016 | 1 | <input type="button" value="Details"/> | <input type="button" value="Retract"/> |
| New | no data | 1 | 1.55 | 0 | TEN | DAVID | 0225 | PP12 FY2016 WK1 | KXYCDG | 07/08/2016 | 1 | <input type="button" value="Details"/> | <input type="button" value="Retract"/> |
| New | no data | 1 | 0.07 | 7.93 | BRISENO | RODNEY | 1997 | PP12 FY2016 WK1 | KXYCDG | 07/08/2016 | 1 | <input type="button" value="Details"/> | <input type="button" value="Retract"/> |
| New | no data | 1 | 0.15 | 6.65 | TRELLES | HENRY | 0967 | PP12 FY2016 WK1 | KXYCDG | 07/08/2016 | 1 | <input type="button" value="Details"/> | <input type="button" value="Retract"/> |

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 | Hours |
|---------|------------|---------|----------|---------|-----------|------------|-----|--------------------|--------------|----------------|-------|
| No Data | | | | | | | | | | | |