

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

Schenequa Neal
USPS Representative

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Laura Maglaris
NALC Representative



RESOLVED



STEP B DECISION

Step B Team: Laura Maglaris
Schenequa Neal

Decision: RESOLVED
USPS Number: G11N-4G-C 16594881
Grievant: Class Action
Branch Grievance Number: 421-433-16
Branch Number: 421
Installation: San Marcos
Delivery Unit: MPO
State: Texas
Incident Date: 4/16/2016
Informal Step A Meeting Date: 5/21/2016
Formal Step A Meeting Date: 6/10/2016
Date Received at Step B: 6/13/2016
Step B Decision Date: 7/15/2016
USPS Issue Code: 08.5410
NALC Issue Code: 120051

District Grieving: Rio Grande
District Deciding: Dallas

Formal Step A Parties:
Michael Johnson
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 4/16/2016 through 4/22/2016? If so, what is the appropriate remedy?

DECISION: The DRT RESOLVED this grievance. Violations of Article 8 did occur. For the violations, 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
J Brashears	01948392	15.21
J Cain	02141007	13.00
G Folster	02123533	24.05
A Wheeler	02039354	21.32
H Trelles	02177901	34.50
D Romero Sr.	02201151	75.44
P Calderon	03660409	46.00
S Keys	02615845	26.00
J Scott	04309188	40.36
M Suarez	03453376	119.50

EXPLANATION:

The Step A parties have agreed as an undisputed fact that S Keys, J Cain and JJ Brashears are 8 hour only carriers. The Step A parties have agreed as an undisputed fact that A Wheeler and G Folster 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 0 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 agree violations occurred on 4/18/2016 however, they do not agree with violations of 4/22/2016. They stated this was a force issue.

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

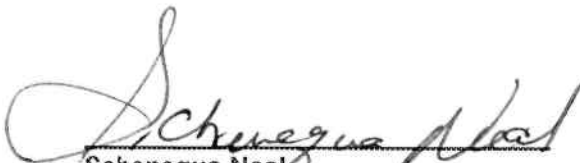
However, the memo states that management does not have to use ODL carriers to provide auxiliary assistance if such an assignment would mean that the ODL carriers would be working *penalty overtime*. In that limited situation—if no auxiliary assistance is available without going into penalty overtime—management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

Although management disagreed with the union’s listed violations for 4/22/2016, there was no explanation/documentation provided by management to support why they disagreed with the violations on 4/22/2016.


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, time limit extensions, Schedule, Leave/Return time forms, PS Forms 3996, CCA conversion sheet, email, Formal A Table of contents, END.

Payout Request History for Grievance 16594881

[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	Request Amount	Last Name	First Name	SSN	Relevant PP	Requested By	Date Requested	Buttons		
New		1	\$13.00	CAIN	JAMES	7439	PP9 FY2016	KXYCDG	07/15/2016	Details	Delete	Edit
New		1	\$15.21	BRASHEARS	JEREMY	1557	PP9 FY2016	KXYCDG	07/15/2016	Details	Delete	Edit
New		1	\$21.32	WHEELER	ALICIA	8258	PP9 FY2016	KXYCDG	07/15/2016	Details	Delete	Edit
New		1	\$24.05	FOLSTER	GREGORY	9372	PP9 FY2016	KXYCDG	07/15/2016	Details	Delete	Edit
New		1	\$26.00	KEYS	STACEY	9904	PP9 FY2016	KXYCDG	07/15/2016	Details	Delete	Edit
New		1	\$34.50	TRELLES	HENRY	0967	PP9 FY2016	KXYCDG	07/15/2016	Details	Delete	Edit
New		1	\$40.36	SCOTT	JOSHUA	3330	PP9 FY2016	KXYCDG	07/15/2016	Details	Delete	Edit
New		1	\$46.00	CALDERON	PRUDENCIO	3454	PP9 FY2016	KXYCDG	07/15/2016	Details	Delete	Edit
New		1	\$75.44	ROMERO	DAVID	0864	PP9 FY2016	KXYCDG	07/15/2016	Details	Delete	Edit
New		1	\$119.50	SUAREZ	MARIA	8960	PP9 FY2016	KXYCDG	07/15/2016	Details	Delete	Edit
Total New: \$415.38												
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	Button
No Data												
Total Paid: \$0.00												
Total Error: \$0.00												