



**STEP B DECISION**

<b>Step B Team:</b>	Decision:	<b><u>RESOLVE</u></b>
USPS:	USPS Number:	<b>G11N-4G-C 1739 8789</b>
<b>Alex Zamora</b>	Grievant:	<b>Class</b>
NALC:	Branch Grievance Number:	<b>421-130-17</b>
<b>Karrie Kimbrell</b>	Branch:	<b>421</b>
	Installation:	<b>San Marcos</b>
Deciding District:	Delivery Unit:	<b>MPO</b>
<b>Rio Grande</b>	State:	<b>Texas</b>
	Incident Date:	<b>01/20/2017</b>
	Informal Step A Initiated:	<b>01/27/2017</b>
	Formal Step A Meeting:	<b>03/15/2017</b>
USPS Formal A:	Date Received at Step B:	<b>03/20/2017</b>
<b>Michelle Soliz</b>	Step B Decision Date:	<b>03/28/2017</b>
NALC Formal A:	Issue Code:	<b>08.5300</b>
<b>Edward Quinonez</b>	NALC Subject Code:	<b>120051</b>



**ISSUE:**

Did management violate Article 8.5 of the National Agreement when they mandated non-ODL carriers to work overtime when there were available ODL carriers? If so, what is the remedy?

**DECISION:**

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file did evidence a violation of Article 8.5. Payment has been made by the Step B team to the carriers listed below. See DRT Explanation.

02252350	MEDINA, J	\$6.25	02077022	LANTIGUA, P	\$18.75
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**EXPLANATION:**

**The union** contends management scheduled and/or mandated non-OTDL carriers to work overtime before maximizing the OTDL. Management is required to work OTDL carriers up to 12 hours before mandating non-ODL carriers or WA carriers to work overtime off their routes.

**Management** did meet at the Formal Step A level but did not provide any contentions.

**The DRT** determined that there was a violation when non-ODL carriers were forced to work overtime off assignment when there were available ODL and CCA carriers.

Applicable contract language from the JCAM is shown below in relevant part:

*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.

**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.

**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.

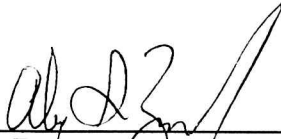
However, the Employer is not required to utilize employees on the “Overtime Desired” list at the penalty overtime rate if qualified employees on the “Overtime Desired” list who are not yet entitled to penalty overtime are available for the overtime assignment.

**Mandatory Overtime.** One purpose of the Overtime Desired List is to excuse full-time carriers not wishing to work overtime from having to work overtime. 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 the ODL carrier would be working penalty overtime. However, if the Overtime Desired List does not provide sufficient qualified fulltime regulars for required overtime, Article 8.5.D permits

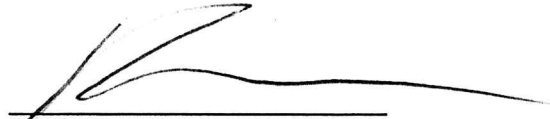
RIO GRANDE DISPUTE RESOLUTION TEAM  
10410 Perrin Beitel Road, Rm 1059  
San Antonio, TX 78284-9608  
PHONE 210-368-1760, 210-368-1784, FAX 210-368-8525

*management to move off the list and require non-ODL carriers to work overtime on a rotating basis starting with the junior employee.*

Based on the review of the case file, the DRT agreed to the remedy above.



**Alex Zamora**  
USPS Step B Representative



**Karrie Kimbrell**  
NALC Step B Representative

**Grievance File Contents:**

PS Form 8190  
Union Contentions  
Informal A Meeting Request  
OT Worksheet  
Employee Moves Report  
Weekly Schedule  
Overtime Sign-Up Sheet

Time Limit Extension  
Daily Schedules  
Overtime Alert Report  
Hours Analysis Report  
Table of Contents  
Formal A Meeting Request

**cc: Area Manager of Labor Relations, Southern Area**  
**NALC NBA, Region 10**  
**District Manager, Rio Grande District**  
**Manager, Human Resources, Rio Grande District**  
**Manager, Labor Relations, Rio Grande District**  
**Postmaster**  
**NALC Branch President**  
**USPS Formal A Representative**  
**NALC Formal A Representative**  
**DRT File**

## Payout Request History for Grievance

17398789

[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	\$6.25	MEDINA	JOSE	7770	PP2 FY2017	KBY9N0	03/31/2017	<input type="button" value="Details"/>
New		2	\$18.75	LANTIGUA	PEDRO	8345	PP2 FY2017	KBY9N0	03/31/2017	<input type="button" value="Details"/>
Total New: \$25.00										
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											