



STEP B DECISION

Step B Team:	Decision:	<u>RESOLVE</u>
USPS:	USPS Number:	G11N-4G-C 1740 6613
Alex Zamora	Grievant:	Class
NALC:	Branch Grievance Number:	421-240-17
Karrie Kimbrell	Branch:	421
	Installation:	San Marcos
Deciding District:	Delivery Unit:	MPO
Rio Grande	State:	Texas
	Incident Date:	03/01/2017
	Informal Step A Initiated:	03/22/2017
	Formal Step A Meeting:	03/24/2017
USPS Formal A:	Date Received at Step B:	03/27/2017
Michelle Soliz	Step B Decision Date:	03/29/2017
NALC Formal A:	Issue Code:	08.5300
Edward Quinonez	NALC Subject Code:	120051

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.

03660409	CALDERON, P	\$35.50	03453376	SUAREZ, M	\$30.38
02177901	TRELLES, H	\$46.38	04482871	PARKER, T	\$40.75
02077022	LANTIGUA, P	\$33.63	02615845	KEYS, S	\$31.75
04440591	PERALTA, B	\$75.00	02141007	CAIN, J	\$19.50
02215750	QUINONEZ	\$17.50	04430864	MITCHELL, C	\$18.88
02123533	FOLSTER, G	\$15.63	04439155	LEOS, A	\$17.75

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 contends they were trying to capture under time from all carriers.

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.

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

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 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 17406613

[HELP](#)

no data

<p><u>Not Processed By Payroll</u></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><u>Payroll Processed</u></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	\$15.63	FOLSTER	GREGORY	9372	PP5 FY2017	KBY9N0	03/31/2017	<input type="checkbox"/>
New		2	\$17.50	QUINONEZ	EDWARD	0800	PP5 FY2017	KBY9N0	03/31/2017	<input type="checkbox"/>
New		2	\$17.75	LEOS	ANTHONY	9230	PP5 FY2017	KBY9N0	03/31/2017	<input type="checkbox"/>
New		2	\$18.88	MITCHELL	CAIN	4485	PP5 FY2017	KBY9N0	03/31/2017	<input type="checkbox"/>
New		2	\$19.50	CAIN	JAMES	7439	PP5 FY2017	KBY9N0	03/31/2017	<input type="checkbox"/>
New		2	\$30.38	SUAREZ	MARIA	8960	PP5 FY2017	KBY9N0	03/31/2017	<input type="checkbox"/>
New		2	\$31.75	KEYS	STACEY	9904	PP5 FY2017	KBY9N0	03/31/2017	<input type="checkbox"/>
New		2	\$33.50	CALDERON	PRUDENCIO	3454	PP5 FY2017	KBY9N0	03/31/2017	<input type="checkbox"/>
New		2	\$33.63	LANTIGUA	PEDRO	8345	PP5 FY2017	KBY9N0	03/31/2017	<input type="checkbox"/>
New		2	\$40.75	PARKER	TRENT	5219	PP5 FY2017	KBY9N0	03/31/2017	<input type="checkbox"/>
New		2	\$46.38	TRELLES	HENRY	0967	PP5 FY2017	KBY9N0	03/31/2017	<input type="checkbox"/>
New		2	\$75.00	NAVAIRA-PERALTA	BOBBY	6057	PP5 FY2017	KBY9N0	03/31/2017	<input type="checkbox"/>
Total New: \$380.65										
Total Pending: \$0.00										
Total Submitted: \$0.00										

Paid and Errors from Finance

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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											