

RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G16N-4G-C 1845 3074
Alex Zamora	Grievant:	Class
NALC:	Branch Grievance Number:	421-1148-18
Jim Ruetze	Branch:	421
	Installation:	San Marcos
District:	Delivery Unit:	MPO
Rio Grande	State:	TX
	Incident Date:	September 15-21, 2018
	Informal Step A Initiated:	September 28, 2018
	Formal Step A Meeting:	October 11, 2018
USPS Formal A:	Date Received at Step B:	October 18, 2018
Carolyn Carter	Step B Decision Date:	November 9, 2018
NALC Formal A:	Issue Code:	08.5450
Richard Gould	NALC Subject Code:	120051

RECEIVED
 NOV 25 2018

ISSUE:

Did management violate Article 8.5 of the National Agreement by mandating a non-overtime desired list (non-ODL) carrier to carry auxiliary assistance on his assigned route and into overtime when ODL carriers and City Carrier Assistants (CCAs) were available? If so, what is the remedy?

Did management violate Article 8.5 of the National Agreement when they failed to allow a Work Assignment (WA) carrier technician to carry available overtime on his string? If so what is the appropriate 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.

EIN	Employee	Remedy	EIN	Employee	Remedy
02141007	J.D. Cain	\$21.98	04122157	R. M. Briseno	\$23.94
02215750	E. Quinonez	\$192.78	02077022	P. Lantigua	\$21.00
02177901	E. H. Trelles	\$21.00			

EXPLANATION:

During the week of September 15-21, 2018, management mandated a non-ODL carrier to carry overtime on his own route and did not allow a Work Assignment carrier technician to carry available overtime on his string. The union filed this grievance to protest the overtime assignments. Unable to resolve the dispute through the Informal and Formal A steps of the grievance procedure, the union appealed to Step B.

The union contends management violated Articles 8.5, The Letter Carrier Paragraph and Articles 3 and 5 of the National Agreement when they improperly utilized Work Assignment carriers and non-ODL carriers to carry auxiliary assistance off their assigned routes. On

RIO GRANDE DISPUTE RESOLUTION TEAM
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September 18, 2018, non-ODL carrier James Cain submitted a PS Form 3996 for 1:35 of overtime. Management failed to provide Mr. Cain assistance in accordance with Article 8.5.

On that day, there were enough hours available between all ODL and CCA carriers to provide auxiliary assistance up to ten hours prior to mandating Mr. Cain to carry overtime on his own assignment.

Furthermore, the union contends management violated Article 8.5.G of the National Agreement when they failed to allow Carrier Technician (T-6) Eddie Quinones to carry available overtime on his string.

Management relies on a "Dispatch of Value" (DOV) argument to justify mandatory overtime. The union contends this is based on a new "two-in-one" casing policy that includes purposely scheduling half the carriers late, then claiming they have to mandate off-assignment carriers to avoid missing last dispatch truck. The union contends several carriers miss the DOV on multiple occasions, meaning that while it is an admirable goal, it does not supersede the contractual provisions in Article 8.5.

The union request that management cease and desist violating the provisions of Article 8.5 by improperly mandating WA and non-ODL carriers to work on and off their assignment before ODL carriers and CCAs have been properly maximized. The union also request 50% at the straight rate of pay as the remedy requested for the aggrieved non-ODL carrier, and for all ODL and CCAs be awarded overtime and penalty overtime pay up to the maximum daily and weekly work-hour limit (12/60 hours) for the missed opportunities that they should have received, or otherwise made whole.

Finally the union request that WA carrier technician Eddie Quinones be awarded overtime pay for any and all overtime that he should have worked on any of his routes on his string, or otherwise made whole.

Management contends the San Marcos Post Office is the pilot for the two-in-one casing initiative. There are nine routes that have a start time of 7:00 A.M. and nine routes with a start time of 08:15 A.M. The two-in-one initiative was implemented on June 25, 2018 due to space constraints at the San Marcos Post Office. Management contends the Manager of Post Office Operations (MPOO) denied a request for additional cases to accommodate filling the overtime for two carrier technicians in San Marcos. Management also contends Article 8 violations have gone down since the current postmaster took over.

The DRT reviewed the file and determined that Mr. Cain was improperly mandated to carry overtime on his own assignment on September 18, 2018, while overtime carriers were still available without incurring an obligation for penalty overtime.

The JCAM provides the following relevant language on pages 8-14 and 8-15 concerning overtime on the assignment of a non-ODL carrier:

In the Letter Carrier Craft, where management determines that overtime or auxiliary assistance is needed on an employee's route on one of the employee's regularly scheduled days and the employee is not on the overtime desired list, the employer will seek to utilize auxiliary assistance, when available, rather than requiring the employee to work mandatory overtime.

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


The DRT also agreed by assigning the overtime on WA Carrier Technician Quinonez' string to an ODL carrier, management violated Article 8.5 of the National Agreement.

The JCAM provides the following language on page 8-22 concerning overtime assignments for WA carrier technicians:

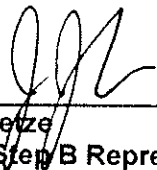
Carrier Technicians on the Work Assignment List are considered available for overtime on any of the routes on their string. Subject to the penalty overtime exceptions discussed above, this provision should be applied as follows:

- A Carrier Technician who has signed for Work Assignment overtime has both a right and an obligation to work any overtime that occurs on any of the five component routes on a regularly scheduled day.
- When overtime is required on the regularly scheduled day of the route of a carrier who is on the ODL and whose Carrier Technician is on the Work Assignment List, the Carrier Technician is entitled to work the overtime.
- When overtime is required on the regularly scheduled day of the route of a carrier who is on the Work Assignment List and whose Carrier Technician is also on the Work Assignment List, the regular carrier on the route is entitled to work the overtime.

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



Alex Zamora
USPS Step B Representative



Jim Ruetze
NALC Step B Representative

Grievance File Contents:

PS Form 8190
Union Contentions
Overtime Desired List
Employee Moves Report
PS Form 3996
Employee Everything
Request for Information
Formal A Request
USPS Tracking for Formal A Appeal

Management Contentions
Table of Contents
Carrier Daily Schedule
JCAM Excerpt
Previous Formal A Decisions
Integrated Operating Plan Agreement
Seniority Report

cc:

District Manager, Rio Grande District
NALC NBA, Region 10
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
18453074

[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		1	\$21.00	TRELLES	ENRIQUE	0967	PP20 FY2018	KBY9N0	11/13/2018	<input type="button" value="Details"/>
New		1	\$21.00	LANTIGUA	PEDRO	8345	PP20 FY2018	KBY9N0	11/13/2018	<input type="button" value="Details"/>
New		1	\$21.98	CAIN	JAMES	7439	PP20 FY2018	KBY9N0	11/13/2018	<input type="button" value="Details"/>
New		1	\$23.94	BRISENO	RODNEY	1997	PP20 FY2018	KBY9N0	11/13/2018	<input type="button" value="Details"/>
New		1	\$192.78	QUINONEZ	EDWARD	0800	PP20 FY2018	KBY9N0	11/13/2018	<input type="button" value="Details"/>
Total New: \$280.70										
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	Butto
No Data												
Total Paid: \$0.00												
Total Error: \$0.00												