



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G16N-4G-C 1808 4579
Alex Zamora	Grievant:	Class
NALC:	Branch Grievance Number:	421-1286-17
Jim Ruetze	Branch:	421
	Installation:	Schertz
District:	Delivery Unit:	MPO
Rio Grande	State:	TX
	Incident Date:	12/02/2017 – 12/08/2017
	Informal Step A Initiated:	12/19/2017
	Formal Step A Meeting:	No meeting
USPS Formal A:	Date Received at Step B:	01/10/2018
No meeting	Step B Decision Date:	01/30/2018
NALC Formal A:	Issue Code:	08.5000
John English	NALC Subject Code:	120051

ISSUE:

Did management violate Article 8.5 of the National Agreement by mandating non-ODL/Work Assignment carriers to work overtime off assignment when there were available ODL carriers? 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.

02430038	Henry D	\$18.75	01194867	Brewer D	\$37.50
03488290	Betts H	\$53.38	02946527	Alexander R	\$37.50
03649732	English J	\$18.75	02167852	Lewis E	\$19.88
04420058	Harrell T	\$46.50	02351408	Zengerle J	\$37.50
02079873	Tullos O	\$37.50	02330345	Sandoval P	\$56.25

EXPLANATION:

The union contends management violated the contract by mandating non-ODL/Work Assignment carriers to work overtime off assignment when there was auxiliary assistance available.

Management did not meet at the Formal Step A level and 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 employees. Work assignment carriers were mandated to work overtime off-assignment and were remedied at 50% of the straight-time rate. The ODL carriers who were available for the overtime were paid at the overtime or penalty overtime rate depending on how many hours in the day they had already

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worked. The DRT fashioned the remedy based on the available reports and information in the case file.

Applicable contract language from Article 8 in the JCAM is shown below in relevant part:

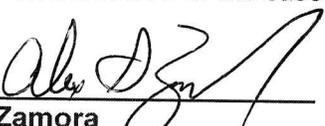
8.5.G Full-time employees not on the "Overtime Desired" list may be required to work overtime only if all available employees on the "Overtime Desired" list **have worked up to twelve (12) hours in a day** or sixty (60) hours in a service week. Employees on the "Overtime Desired" list:

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.

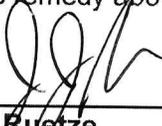
However, the Employer is not required to utilize employees on the "Overtime Desired" list at the penalty overtime rate if qualified employees on the "Overtime Desired" list who are not yet entitled to penalty overtime are available for the overtime assignment.

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 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



Jim Ruetze
NALC Step B Representative

Grievance File Contents:

PS Form 8190
Carrier Schedule
Employee Everything Report
Hours Analysis Report
Formal A Meeting Request
Copies of Text Messages
PS Form 3996

Union Contentions
Employee Moves Report
Union Remedy Worksheet
Union Information Request
OTDL Sign-Up Sheet

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 18084579

[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	\$18.75	HENRY	DENNIS	2011	PP25 FY2017	KBY9N0	02/02/2018	De
New		2	\$18.75	ENGLISH	JOHN	6585	PP25 FY2017	KBY9N0	02/02/2018	De
New		2	\$19.88	LEWIS	EDDIE	6061	PP25 FY2017	KBY9N0	02/02/2018	De
New		2	\$37.50	ALEXANDER	ROBERT	9854	PP25 FY2017	KBY9N0	02/02/2018	De
New		2	\$37.50	TULLOS	OSCAR	2433	PP25 FY2017	KBY9N0	02/02/2018	De
New		2	\$37.50	ZENGERLE	JASON	5712	PP25 FY2017	KBY9N0	02/02/2018	De
New		2	\$37.50	BREWER	DAVID	7193	PP25 FY2017	KBY9N0	02/02/2018	De
New		2	\$46.50	HARRELL	TADARIAN	8486	PP25 FY2017	KBY9N0	02/02/2018	De
New		2	\$53.38	BETTS	HEATHER	0296	PP25 FY2017	KBY9N0	02/02/2018	De
New		2	\$56.25	SANDOVAL	PATSY	2479	PP25 FY2017	KBY9N0	02/02/2018	De
Total New: \$363.51										
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