



RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G16N-4G-C 1816 3562
Alex Zamora	Grievant:	Class
NALC:	Branch Grievance Number:	421-140-18
Jim Ruetze	Branch:	421
	Installation:	Schertz
District:	Delivery Unit:	MPO
Rio Grande	State:	TX
	Incident Date:	01/06/2018-01/12/2018
	Informal Step A Initiated:	02/10/2018
	Formal Step A Meeting:	No Meeting
USPS Formal A:	Date Received at Step B:	03/07/2018
No Meeting	Step B Decision Date:	03/20/2018
NALC Formal A:	Issue Code:	08.5450
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.

02946527	Alexander, R	\$21.75	03488290	Betts, H	\$18.50
02430038	Henry, D	\$14.63	01194867	Brewer, D	\$27.75
01954621	Martinez, J	\$22.13	02167852	Lewis, E	\$27.75

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 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:

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


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
Time Limit Extension

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