

RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G16N-4G-C 1907 4111
Alex Zamora	Grievant:	Class
NALC:	Branch Grievance Number:	421-1552-18
Jim Ruetze	Branch:	421
	Installation:	Schertz
District:	Delivery Unit:	MPO
Rio Grande	State:	TX
	Incident Date:	12/08/2018-12/14/2018
	Informal Step A Initiated:	12/22/2018
	Formal Step A Meeting:	No Meeting
USPS Formal A:	Date Received at Step B:	01/07/2019
No Meeting	Step B Decision Date:	01/15/2019
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 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.

04420058	Harrell, T	\$22.39	02079873	Tullos, O	\$37.16
03488290	Betts, H	\$52.03	04651959	Guzman, J	\$63.05
04519591	Aragon, N	\$27.62	04174676	Pedroza, J	\$16.83
01194867	Brewer, D	\$23.22	02330345	Sandoval, P	\$43.20
04406982	Bradwell, D	\$18.57			

EXPLANATION:

The union contends management violated the contract by mandating non-ODL carriers to work overtime when there were ODL carriers available to provide auxiliary assistance.

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 when there were available ODL carriers.

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

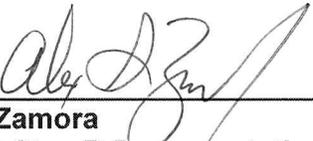
up to twelve (12) hours in a day or sixty (60) hours in a service week. Employees on the "Overtime Desired" list:

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.

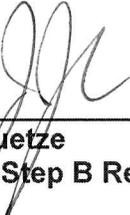
However, the Employer is not required to utilize employees on the "Overtime Desired" list at the penalty overtime rate if qualified employees on the "Overtime Desired" list who are not yet entitled to penalty overtime are available for the overtime assignment.

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 its review of the case file, the DRT agreed to the decision and 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

PS Form 3996

Carrier Interviews

Union Contentions

Employee Moves Report

Union Remedy Worksheet

Union Information Request

OTDL Sign-Up Sheet

Item 0-13 Request for OT Removal

PS Form 50

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 19074111

[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	\$16.83	PEDROZA	JOE	4286	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value=" Det:"/>
New		1	\$18.57	BRADWELL	DAVID	1874	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value=" Det:"/>
New		1	\$22.39	HARRELL	TADARIAN	8486	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value=" Det:"/>
New		1	\$23.22	BREWER	DAVID	7193	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value=" Det:"/>
New		1	\$27.62	ARAGON	NELLIE	2328	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value=" Det:"/>
New		1	\$37.16	TULLOS	OSCAR	2433	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value=" Det:"/>
New		1	\$43.20	SANDOVAL	PATSY	2479	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value=" Det:"/>
New		1	\$52.03	BETTS	HEATHER	0296	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value=" Det:"/>
New		1	\$63.05	GUZMAN	JAMES	2015	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value=" Det:"/>
Total New: \$304.07										
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											