



# RESOLVE



## STEP B DECISION

<b>Step B Team:</b>	Decision:	<b>RESOLVE</b>
USPS:	USPS Number:	<b>G16N-4G-C 1908 3152</b>
<b>Alex Zamora</b>	Grievant:	<b>Class</b>
NALC:	Branch Grievance Number:	<b>421-1587-18</b>
<b>Jim Ruetze</b>	Branch:	<b>421</b>
	Installation:	<b>Schertz</b>
District:	Delivery Unit:	<b>MPO</b>
<b>Rio Grande</b>	State:	<b>TX</b>
	Incident Date:	<b>12/15/2018-12/21/2018</b>
	Informal Step A Initiated:	<b>12/28/2018</b>
	Formal Step A Meeting:	<b>No Meeting</b>
USPS Formal A:	Date Received at Step B:	<b>01/14/2019</b>
<b>No Meeting</b>	Step B Decision Date:	<b>01/17/2019</b>
NALC Formal A:	Issue Code:	<b>08.5450</b>
<b>John English</b>	NALC Subject Code:	<b>120051</b>

### 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.

04519591	Aragon, N	\$57.14	02079873	Tullos, O	\$23.22
03488290	Betts, H	\$34.84	02351408	Zengerie, J	\$23.22
04651959	Guzman, J	\$140.56	02167852	Lewis, E	\$58.06
04714375	Hulvey, N	\$36.57	02330345	Sandoval, P	\$34.84
02946527	Alexander, R	\$23.22	04406982	Bradwell, D	\$21.43
04420058	Harrell, T	\$37.31	04174676	Pedroza, J	\$29.97

### 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

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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:

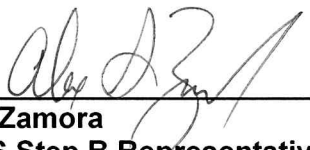
**8.5.G** Full-time employees not on the "Overtime Desired" list may be required to work overtime only if all available employees on the "Overtime Desired" list have worked up to twelve (12) hours in a day or sixty (60) hours in a service week. Employees on the "Overtime Desired" list:

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.

  
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**Alex Zamora**  
USPS Step B Representative

  
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**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

## Payout Request History for Grievance 19083152

[HELP](#)

no data

<p><b><u>Not Processed By Payroll</u></b></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><b><u>Payroll Processed</u></b></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	\$21.43	BRADWELL	DAVID	1874	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value="De"/>
New		2	\$23.22	ALEXANDER	ROBERT	9854	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value="De"/>
New		2	\$23.22	TULLOS	OSCAR	2433	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value="De"/>
New		2	\$23.22	ZENGERLE	JASON	5712	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value="De"/>
New		2	\$29.97	PEDROZA	JOE	4286	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value="De"/>
New		2	\$34.84	SANDOVAL	PATSY	2479	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value="De"/>
New		2	\$34.84	BETTS	HEATHER	0296	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value="De"/>
New		2	\$36.57	HULVEY	NATHAN	1711	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value="De"/>
New		2	\$37.31	HARRELL	TADARIAN	8486	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value="De"/>
New		2	\$57.14	ARAGON	NELLIE	2328	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value="De"/>
New		2	\$58.06	LEWIS	EDDIE	6061	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value="De"/>
New		2	\$140.56	GUZMAN	JAMES	2015	PP26 FY2018	KBY9N0	01/17/2019	<input type="button" value="De"/>
Total New: \$520.38										
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											