

RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G16N-4G-C 1840 5251
Robin Gutman	Grievant:	Steven Wright
NALC:	Branch Grievance Number:	421-830-18
Louise K. Jordan	Branch:	421
	Installation:	Universal City
Deciding District:	Delivery Unit:	MPO
Rio Grande	State:	Texas
	Incident Date:	08/10/2018
	Informal Step A Initiated:	08/29/2018
	Formal Step A Meeting:	09/11/2018
USPS Formal A:	Date Received at Step B:	09/17/2018
Edmundo Mata	Step B Decision Date:	09/20/2018
NALC Formal A:	Issue Code:	41.4820
Adam J. Reyna	NALC Subject Code:	100939

ISSUE:

Did management violate Articles 41.3 of the National Agreement by allowing Letter Carrier Steven Wright to perform work off the clock? 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. Management will cease and desist allowing carriers to perform work off the clock. Management shall not require, nor permit, employees to work off the clock. See DRT explanation.

EXPLANATION:

The issue in this case concerns the allegation that management allowed the grievant to work off the clock. The file contains multiple statements from witnesses asserting the grievant worked prior to his begin tour clock ring. Universal City Postmaster Mata gave a stand-up talk on 06/26/2018 instructing carriers to stop performing duties off the clock, but some witness observations are after that date.

The union contends postal management violated Article 41 by allowing the grievant to work off the clock.

The union requests management cease and desist allowing carriers to work off the clock. The union requests that a monetary remedy for the grievant for all the time spent working off the clock. The union requests a lump sum payment to the union steward for his efforts to work with management to stop the off the clock work. The union requests the steward be paid for the two hours of steward time requested and not received to investigate and prepare this grievance.

Management contends the grievance is untimely and indicates the steward will get any time requested to analyze data. Management contends the grievant claimed he did not work off the clock and he did not ask the union to file a grievance. Management contends the steward

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violated Articles 17 and 31 when he failed to disclose his supporting documents and provide copies of all relevant papers or documents.

The DRT determined this grievance has merit based on statements contained in the file. The team agrees management is aware of the grievants continued violations. Management gave a stand-up to carriers explaining the contract language. Both management and the grievant need to understand the impact working off the clock can have on a routes base time, both in the office and on the street. Management has the ultimate responsibility to assure the grievant's behavior is changed and carriers do not work off the clock.

Article 41.3.K of the National Agreement addresses the issue of working off the clock:

Supervisors shall not require, nor permit, employees to work off the clock.

Article 30 addresses the local parties' right to negotiate specific provisions of the agreement.

JCAM page 30-1:


Article 30 of the National Agreement enables the local parties to negotiate over certain work rules and other terms and conditions of employment. Since the start of full postal collective bargaining in 1971, most of letter carriers' contractual rights and benefits have been negotiated at the national level. However, some subjects have been left to the local parties to work out according to their own preferences and particular circumstances. A period of "local implementation." Has followed the completion of each National Agreement.

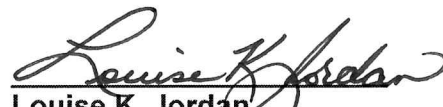
Branch 421 LMOU Article 30, Local Implementation, Section 8 re-establishes this point:

Supervisors shall not require nor permit employees to work off the clock. (1991)

The DRT agreed the case file did not provide sufficient documentation to support a lump sum payment to the grievant or the steward.

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


Robin Gutman
USPS Step B Representative


Louise K. Jordan
NALC Step B Representative

cc: Area Manager of Labor Relations, Southern Area
NALC NBA, Region 10
District Manager, Rio Grande District
Manager, Human Resources, Rio Grande District
Manager, Labor Relations, Rio Grande District
NALC Branch President
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DRT File

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Grievance File Contents:

PS Form 8190

Request for Formal Step A Meeting

Certified Mail Receipt

Request for Documentation

Union's Contentions

Undisputed Facts (2 pages)

Union Requested Remedy

Employee Everything Report (6 pages)

Informal Step A Resolution

Witness' Statements (4 pages)

Item 0-13 Steward Statement

Steward's Stand-up Talk

Postmaster Interview

PS Form 50 – Steward

TACS Final Time Certification Reports

TACS Employee Moves Reports

Management's Contentions

APWU Steward Statement