



RESOLVE



STEP B DECISION

Step B Team:
 USPS:
Rose Barner
 NALC:
Jose Portales

Decision:
 USPS Number:
 Grievant:
 Branch Grievance Number:
 Branch:
 Installation:
 Delivery Unit:
 State:
 Incident Date:
 Informal Step A Meeting:
 Formal Step A Meeting:
 Step B Received:
 Step B Decision Date:
 Issue Code:
 NALC Subject Code:

RESOLVE
G19N-4G-C 2127 3433
Class Action
421-2010-21
421
San Antonio
Nimitz
TX
05/22/2021-05/28/2021
06/05/2021
06/22/2021
06/23/2021
07/28/2021
08.5450
120051

District:
Rio Grande/Texas 3

ISSUE: Did management violate Article 8.5 of the National Agreement by mandating Work Assignment (WA) carriers and non ODL carriers off their assignments when overtime desired list (ODL) carriers were available? If so, what is the appropriate remedy?

DECISION: The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file evidenced a violation of the National Agreement. The letter carriers in the table below are compensated in the amounts by their names. Non-ODL carriers who were improperly assigned to work overtime were compensated at additional 100% of their straight time rate. ODL carriers were compensated for the missed overtime opportunities at the rate of pay they would have earned if they had done the work. Management shall assign overtime consistent with the provisions of Article 8.5. All payments associated with these remedies have been processed at Step B through GATS. See the DRT Explanation below.

Employee	EIN	Hrs @100%	OT Hours	POT Hours	Remedy
04330319	Armeli, M.	0.50			\$14.75
04487802	Portugal, P.	0.87			\$25.67
02264565	Garcia, E.		0.50		\$22.13
03490500	Dietz, D.		0.87		\$38.50

EXPLANATION: This grievance concerns the assignment of overtime among full-time letter carriers at Nimitz Station in San Antonio, Texas during the week of May 22-28, 2021. Management assigned overtime to non-ODL and WA carriers off their assignments while ODL carriers were available at the regular and penalty overtime rates.

The union filed this grievance to protest the improper overtime assignments. Unable to achieve a resolution through the Informal and Formal A steps of the grievance procedure, the union appealed to Step B.

RIO GRANDE DISPUTE RESOLUTION TEAM
10410 Perrin Beitel Road, Rm 1059
San Antonio, TX 78284-9608
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The union contends management violated Articles 8.5.D and G, and the Letter Carrier Paragraph, when they assigned overtime to carriers who were not on the ODL while ODL carriers were available to perform the work. The union further contends the question of whether a remedy is appropriate for non-ODL carriers improperly forced to work overtime has been settled in the union's favor innumerable times over a period of several years.

The union requests all ODL carriers be paid at the appropriate overtime rate, up to and including penalty overtime, for management's decision to bypass them in favor of non-ODL carriers. The union also requests the non-ODL carriers be either compensated an additional 100% of their straight time rate or granted administrative leave equal to the amount of time they were improperly mandated.

Management contends the union failed to perform a thorough investigation. Management provided the Performance/Analysis Report showing in the morning the ODL carriers were projected to have 12 hours of work. It is not feasible to assign them more than that on the assumption they will get it done faster. Management maintains the unit has six ODL carriers, and two of them (Whaley and Anderson) are medically restricted from walking, which leaves four qualified ODL carriers. Management asserts these four carriers get all the overtime they want, and more. Moreover, management contends no carriers at Nimitz are interested in filing grievances for overtime, yet the union refused to interview any of them to verify this. Management contends Carrier Armeli was given a pivot for 27 minutes to provide him with eight (8) hours of work. However, Carrier Armeli extended his route by 1:22 minutes on the street and had 54 minutes of stationary time. He failed to submit a 3996 for his unauthorized overtime. Carrier Portugal was also assigned a pivot for ten (10) minutes to provide him with eight (8) hours of work. However, Carrier Portugal also extended his lunch by 36 minutes and went over a total of 0.87 units. He did not submit a 3996 stating he would deviate for his lunch. Carrier Moreno has medical restrictions that limit him to working eight (8) hours in a day and failed to inform management that he would be unable to finish his assignment within his restrictions. The overtime used by these three (3) carriers' should not be considered violations.

The DRT reviewed the case file and determined there was a violation of Article 8.5 during May 22-28, 2021 when the overtime among full-time carriers was not assigned in accordance with the provisions of Article 8.5. During that week the overtime carriers did not reach the 12/60 hour limit and were still available.

Management contended Carrier Moreno did not inform management that he would be able to complete his assignment within his restrictions, which the union did not refute. Management also maintained non-ODL Carriers Portugal and Armeli were both provided with assignments on other routes to provide them with eight (8) hours of work. However, without the PS Form 3996s for those assignments they were considered violations.

The assignment of overtime to non-ODL carriers off their assignments or on a non-scheduled day is also discussed on page 8-15:

Before requiring a non-ODL carrier to work overtime on a non-scheduled day or off his/her own assignment, management **must seek to use a carrier from the ODL, even if the ODL carrier would be working penalty overtime** (Article 8.5.D). [Emphasis Added]

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For Work Assignment carriers, the following JCAM language from page 8-22 addresses the assignment of overtime off their assignment or on a non-scheduled day:

The Work Assignment List was established for full-time letter carriers who only want to work overtime on their own assignment on regularly scheduled days. Signing up for the Work Assignment overtime does not create any entitlement or obligation to work overtime on a non-scheduled day. For purposes of overtime on a non-scheduled day or on other than their own assignment, carriers on the Work Assignment list are treated *exactly the same* as any other full-time carriers not on the Overtime Desired List—They may only be required to work overtime under the provisions of Article 8.5.D. [Emphasis in Original].

Based on its review of the case file, the DRT agreed to the decision and remedy above.



Rose Barner
USPS Step B Representative



Jose Portales
NALC Step B Representative

cc:

LR Manager, Southern Area
NALC Region 10 NBA
Rio Grande/Texas 3 HR Manager
Rio Grande/Texas 3 LR Manager
USPS Formal A: L.F. Ossont

NALC Branch President
NALC Formal A: R. Reyes
Manager, Rio Grande/Texas 3
Postmaster
DRT File

Grievance File Contents:

PS Form 8190
Union Contentions - 17 pgs
Management Contentions – 61 pgs
Route Carrier Daily Performance – 24 pgs
PS Form 3996
Formal A Settlement
Steward Designation Letter
Union Remedy Worksheets – 7 pgs

Informal Step A Request for Documentation
Formal Step A Meeting Request – 2 pgs
Work Schedule
ODL – 2 pgs
Prior Settlements – 118 pgs
Employee Moves Report – 14 pgs
Hours Analysis Report – 7 pgs

Payout Request History for Grievance

21273433

[HELP](#)

no data

Not Processed By Payroll

- New (Not yet sent to Payroll)
- Pending (Not back from Payroll)
- Submitted (Received acknowledgment from Payroll, awaiting processing)

Payroll Processed

- Paid (Back from Payroll without error)
- Payroll Error (Back from Payroll with error)

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Show History

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	\$14.75	ARMELI	MATTHEW	7192	PP12 FY2021	YSZ1BC	07/30/2021	Det:
New		1	\$22.13	GARCIA	EDWARD	6319	PP12 FY2021	YSZ1BC	07/30/2021	Det:
New		1	\$25.67	PORTUGAL	PAUL	3792	PP12 FY2021	YSZ1BC	07/30/2021	Det:
New		1	\$38.50	DIETZ	DAVID	3462	PP12 FY2021	YSZ1BC	07/30/2021	Det:
Total New: \$101.05										
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											