

**RESOLVE**



**STEP B DECISION**

Step B Team:	Decision:	<b>RESOLVE</b>
USPS:	USPS Number:	<b>G19N-4G-C 2130 9609</b>
<b>Rose Barner</b>	Grievant:	<b>Gilbert Zendejo</b>
NALC:	Branch Grievance Number:	<b>421-2125-21</b>
<b>Jose Portales</b>	Branch:	<b>421</b>
	Installation:	<b>Eagle Pass</b>
District:	Delivery Unit:	<b>Main Post Office</b>
<b>Rio Grande/Texas 3</b>	State:	<b>TX</b>
	Incident Date:	<b>06/26/2021</b>
	Informal Step A Initiated:	<b>07/09/2021</b>
	Formal Step A Meeting:	<b>07/20/2021</b>
	Date Received at Step B:	<b>07/21/2021</b>
	Step B Decision Date:	<b>07/22/2021</b>
	USPS Issue Code:	<b>07.1350</b>
	NALC Subject Code:	<b>600189</b>

**ISSUE:**

Did management violate Article 7.1.C.4 of the National Agreement by failing to utilize Part-Time Flexible (PTF) Carrier Gilbert Zendejo at the straight-time rate prior to assigning such work to City Carrier Assistants (CCAs)? 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 Article 7.1.C.4 of the National Agreement. Management must make every effort to ensure qualified and available PTF employees are utilized at the straight-time rate prior to assigning such work to CCAs working in the same work location and on the same tour, provided that the reporting guarantee for CCA employees is met. PTF Zendejo (EIN 04554440) will be compensated 1.96 hours at the straight time rate (\$57.82). This payment has been processed at Step B through GATS. See the DRT explanation below.

**EXPLANATION:**

This grievance concerns Gilbert Zendejo, a Part-Time Flexible (PTF) Letter Carrier assigned to the Main Post Office in Eagle Pass, TX. During the week of June 26 through July 2, 2021 the grievant worked a total of 38.04 hours while a CCA worked over 40 hours.

The union filed this grievance to protest management's decision to utilize a CCA prior to using the available PTF at the straight time rate. Unable to achieve a resolution through the Informal and Formal A steps of the grievance procedure, the union appealed to Step B.

**The union** contends management is in violation of Article 7.1.C.4 of the National Agreement by utilizing CCA's before PTF Carrier Zenedjo worked 40 hours at the straight time rate of pay during the service week of June 26 to July 2, 2021. PTF Zendejo was qualified and available to perform the work in question.

The union requests management cease and desist from violating Article 7.1.C.4 of the National Agreement and that the grievant be paid a lump sum equal to 1.96 hours at the straight-time rate.

RIO GRANDE DISPUTE RESOLUTION TEAM  
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**Management** contends the grievant was offered work hours on Sunday when he worked less than 8 hours. He would have had at least two (2) additional hours which would have put him over 40 hours, having worked 38.04 hours for that week. This was a missed opportunity for the grievant. Management contends the contract requires that over the course of a service week. While the opportunity was given to the grievant on Sunday and denied, this does not require the PTF work more than a CCA on any give day to make up for hours denied. It also does not require that PTFs be worked a total of 8 hours on any one day.

**The DRT** reviewed the case file and determined a violation existed. Although management contended they offered PTF Zendejo the opportunity to work on Sunday, the DRT agreed management is obligated to make every effort, over the course of the service week, to ensure qualified and available PTF employees are utilized at the straight-time rate prior to assigning such work to CCAs working in the same work location and on the same tour, provided that the reporting guarantee for CCA employees is met.


Article 7.1.C.4 of the National Agreement states in relevant part:

Over the course of a service week, the Employer will make every effort to ensure that qualified and available part-time flexible employees are utilized at the straight-time rate prior to assigning such work to CCAs working in the same work location and on the same tour, provided that the reporting guarantee for CCA employees is met.

Based on its review of the case file, the DRT mutually 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  
Texas 3/Rio Grande HR Manager  
Texas 3/Rio Grande LR Manager  
Management Formal A: Jose Aguilera

NALC Branch President  
NALC Formal Step A: Jorge Valdez  
Manager, Rio Grande/Texas 3  
Postmaster  
DRT File

**Grievance File Contents**

Request for Formal A Meeting  
PS Form 8190  
Informal Step A  
JCAM Excerpts, Article 7 – 5 pgs  
Union Contentions – 2 pgs  
Management Contentions

Employee Moves Report – 9 pgs  
Carrier Daily Performance – 17 pgs  
Overtime Alert Report – 2 pgs  
Grievant Statement  
EER – 54 pgs

## Payout Request History for Grievance

21309609

[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		1	\$57.82	ZENDEJO	GILBERTO	2272	PP14 FY2021	YSZ1BC	07/22/2021	<input type="button" value="Detail"/>
Total New: \$57.82										
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											