



# RESOLVE



## STEP B DECISION

Step B Team:	Decision:	<b>RESOLVE</b>
USPS:	USPS Number:	<b>G19N-4G-C 2130 9614</b>
<b>Rose Barner</b>	Grievant:	<b>Class Action</b>
NALC:	Branch Grievance Number:	<b>421-2124-21</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>01.6000</b>
	NALC Subject Code:	<b>100004</b>

**ISSUE:**

Did management violate Article 1.6 of the National Agreement when 204b Supervisor Jesus Chio performed city letter carrier bargaining unit work on June 26, 2021? 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. Management, to include 204b supervisors, must not perform bargaining unit work outside the provisions of Article 1.6 of the National Agreement. The carriers listed below are awarded lump sum payments; payouts have been made at Step B. See the DRT explanation below.

Employee	EIN	Hours	Remedy
J. Cervera	04721317	1.50	\$66.38
R. Flores	06050212	1.50	\$66.38
J. Peralta	04299439	1.00	\$44.25
R. Diaz Guerrero	06046534	1.00	\$44.25
G. Zendejo	04554440	1.00	\$44.25
S. Vega	04543032	1.30	\$57.53

**EXPLANATION:**

On June 26, 2021 management utilized 204b Chio to carry route 16 while on higher level as shown on PS Form 1723, Assignment Order.

The union filed this grievance to protest 204b Chio performing bargaining unit work. 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 1.6 of the National Agreement when 204b Jesus Chio on June 26, 2021 performed bargaining unit work for approximately 7.30 hours. The union contends 204b Chio was not training or instructing employees, assuring the proper operation of equipment, protecting the safety of employees or protecting property of the postal service when she carried mail on the day in question. Moreover, the union contends sick calls, understaffing, heavy mail volume, etc., do not meet the definition of an emergency as defined in Article 3.F of the National Agreement. The union contends management's failure in this regard has caused significant harm to the letter carriers who should have been assigned this work in the form of wages and benefits.

The union requests management cease and desist from violating Article 1.6 of the National Agreement and that letter carriers each be paid at the applicable pay rate for the time 204b Chio performed city letter carrier work.

**Management** contends denial of this grievance since the union states that a 204b may not work overtime on the day after or before the carrier is on overtime. However, 204b Chio did not work as a 204b on June 26, 2021. He was scheduled to work as 204b Monday through Friday. Mr. Chio was called in on his day off due to several calls and to avoid having two open routes on this day. Due to no other carriers that were scheduled off answering the call, Mr. Chio was brought in on his day off.

**The DRT** reviewed the case file and determined PS Form 1723, Assignment Order, indicated the date of the 204b assignment was June 26, 2021 which is the date in question. The Employee Everything Report for 204b Chio evidenced he was on a higher level status (H/L EO-17) on the day in question. Although management contends 204b Chio was called in on his day off due to several calls and to avoid having two open routes, the PS Form 1723 which shows the time and date of the 204b detail, is the controlling document for determining whether an employee is in a 204b status. Therefore, management performed bargaining unit work outside the provisions of Article 1.6 of the National Agreement. Article 1.6 of the JCAM states the following regarding management performing bargaining unit work.

**1.6.A Section 6. Performance of Bargaining Unit Work**

A. Supervisors are prohibited from performing bargaining unit work at post offices with 100 or more bargaining unit employees, except:

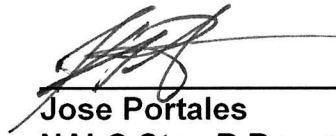
1. in an emergency;
2. for the purpose of training or instruction of employees;
3. to assure the proper operation of equipment;
4. to protect the safety of employees; or
5. to protect the property of the USPS.

The prohibition against supervisors performing bargaining unit work also applies to acting supervisors (204b). The PS Form 1723, which shows the times and dates of the 204b detail, is the controlling document for determining whether an employee is in a 204b status. A separate PS Form 1723 is used for each detail. A single detail may not be broken up on multiple PS Forms 1723 for the purpose of using a 204b on overtime in lieu of a bargaining unit employee. Article 41.1.A.2 requires that a copy of the PS Form 1723 be provided to the union at the local level. [Emphasis Added]

Management did not establish that any of the conditions in Article 1.6 were present during the time period in question. 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  
Rio Grande/Texas 3 HR Manager  
Rio Grande/Texas 3 LR Manager  
Management Formal A: Jose Aguilera

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

**Grievance File Contents**

Request for Formal A Meeting  
PS Form 8190  
Informal Step A  
Union Contentions – 3 pgs  
Management Contentions  
JCAM Excerpts – 3 pgs  
PS Form 1723

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

## Payout Request History for Grievance

[HELP](#)

21309614

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>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### 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	\$44.25	RODRIGUEZ	GABRIEL	7901	PP14 FY2021	YSZ1BC	07/22/2021	<input type="button" value="De"/>
New		1	\$44.25	ZENDEJO	GILBERTO	2272	PP14 FY2021	YSZ1BC	07/22/2021	<input type="button" value="De"/>
New		1	\$44.25	DIAZ GUERRERO	RODOLFO	4086	PP14 FY2021	YSZ1BC	07/22/2021	<input type="button" value="De"/>
New		1	\$57.53	VEGA	SERGIO	1669	PP14 FY2021	YSZ1BC	07/22/2021	<input type="button" value="De"/>
New		1	\$66.38	CERVERA	JORGE	4509	PP14 FY2021	YSZ1BC	07/22/2021	<input type="button" value="De"/>
New		1	\$66.38	FLORES	ROSANNA	8017	PP14 FY2021	YSZ1BC	07/22/2021	<input type="button" value="De"/>
Total New: \$323.04										
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											