



RESOLVE



STEP B DECISION

USPS Step B:	Decision:	RESOLVE
Rose Barner	USPS Number:	G19N-4G-C 2131 6336
NALC Step B:	Grievant:	Charles Ogle
Jim Ruetze	Branch Grievance Number:	421-1649-20
	Branch:	421
	Installation:	San Antonio
Dispute Resolution Team:	Delivery Unit:	Leon Valley
Rio Grande/Texas 3	State:	TX
	Incident Date:	12/08/2020
	Informal Step A Initiated:	12/16/2020
	Formal Step A Meeting:	07/15/2021
	Received at Step B:	07/26/2021
	Step B Decision Date:	08/26/2021
	Issue Code:	08.5000
	NALC Subject Code:	120058

ISSUE: Did management violate Article 8.5 of the National Agreement by assigning overtime on the route of a Work Assignment List (WA) carrier to an Overtime Desired List (ODL) carrier? If so, what is the remedy?

DECISION: The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file did not include sufficient evidence to prove a violation of Article 8.5 of the National Agreement. See the DRT Explanation below.

EXPLANATION: On December 8, 2020 management assigned ODL carrier MA Gomez to pick up parcels from businesses on the grievant's route where the customers normally have a significant volume of parcels. The extra work took Gomez 1.50 hours to complete and he used a total of 0.68 hours of overtime that day. The union filed this grievance to protest the overtime assignment. Unable to achieve a resolution through the Informal or Formal Step A levels of the grievance process, the union appealed to Step B.

The union at Formal Step A contended as a WA carrier, Ogle had a contractual right to the overtime associated with the parcel pickup. The union further contended management's claim regarding Ogle's failure to submit a PS Form 3996 for the overtime he would need is correct, but only to the extent that he generally does not know how much time the parcel pickups will take until he does them. He therefore submits his PS Form 3996 at the end of the day. The union also maintained management's claim that it rightly assigned the pickup to Gomez because he was on straight time was misplaced, because it was Gomez' nonscheduled day, so the pickup had actually been done at no less than the overtime rate.

The union requested the grievant be compensated for one hour at the overtime rate, because that is the average of how long it takes to perform the pickups.

Management at Formal Step A contended Article 8 does not favor WA carriers over ODL carriers in situations like this. Management also argued the Letter Carrier Paragraph permits the supervisor to assign up to 41 minutes of overtime on Ogle's route to Gomez, with the remainder of the pickup having been done on straight time. Management further asserted the National Agreement, the JCAM, and the San Antonio LMOU all require overtime to be assigned to the ODL, and the grievant is on the Work Assignment list, not the ODL. Management further contended the grievant did not submit a PS Form 3996 for overtime on the day in question.

The DRT reviewed the case file and determined the grievant's own estimate of the time needed to perform the pickups was one hour. Although Gomez took 1.50 hours to do the work, he only worked 8.68 total hours that day. This meant most of what the pickup was expected to take would have been done in undertime (i.e., less than eight hours). The DRT could not agree management's decision to assign approximately one hour of work to fill just under one hour of time was a violation of Article 8.5. The case file did not evidence other work Gomez could have done to fill his eight-hour guarantee. The DRT therefore could not agree the appropriate outcome was to pay Gomez overtime for not working while Ogle performed the pickup on overtime.

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



Rose Barner
USPS Step B Representative



Jim Ruetze
NALC Step B Representative

cc:

LR Manager, Southern Area
NALC Region 10 NBA
District HR Manager
District LR Manager
USPS Formal A Juan Leal

NALC Branch President
NALC Formal A Ralph Rodriguez
District Manager
Postmaster
DRT File

Grievance File Contents

PS Form 8190
Requests for Information/Time/Meeting
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