



RESOLVE



STEP B DECISION

USPS Step B: Richard Ketchum NALC Step B: Jim Ruetze	Decision: USPS Number: Grievant: Branch Grievance Number: Branch: Installation: Delivery Unit: State: Incident Date: Informal Step A Initiated: Formal Step A Meeting: Received at Step B: Step B Decision Date: Issue Code: NALC Subject Code:	RESOLVE 4G19N-4G-C 2212 6988 Class 421-0025-22 421 San Antonio Thousand Oaks TX 12/18/2021-12/24/2021 12/24/2021 No Meeting 02/11/2022 03/04/2022 08.5990 120055
Dispute Resolution Team: Rio Grande District Grieving: Texas 3		

ISSUE: Did management violate Articles 8 and/or 19 (via ELM 432) of the National Agreement when letter carriers not on the overtime desired list (ODL) exceeded 12 hours of daily service during the week in question? If so, what is the remedy?

DECISION: The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file evidenced multiple violations of Section 432.32 of the Employee and Labor Relations Manual (ELM). The letter carriers listed in the table below are compensated in the amounts by their names. The payments have been processed at Step B via GATS. See the DRT Explanation below.

Employee	PTF/CCA/FTR	EIN	Hours	Remedy
Davis Jr, AA	PTF	04782251	1.42	\$14.81
Washington, B	CCA	04916206	2.53	\$24.57
Becknal, RC	CCA	06045571	5.21	\$50.59
Perez, A	PTF	04659151	3.65	\$37.80
Fontanez, M	CCA	06173448	2.07	\$19.58
Gardenswartz, M	CCA	06160004	3.70	\$35.00
Saenz, M	CCA	06083663	3.09	\$30.00
Cantu, AR	CCA	06083662	2.26	\$21.94
Cottrell, CC	CCA	06117438	1.10	\$10.41
Gros, SA	PTF	04808068	2.37	\$24.54
Johnson, RG	CCA	06170732	4.79	\$45.31
Whaley, NE	PTF	04810356	1.50	\$14.57
Horn, TE	CCA	06061903	2.91	\$27.53
Sanchez, JJ	CCA	06230852	3.98	\$37.65

EXPLANATION: During the week of December 18-24, 2021, several part-time flexible (PTF) and city carrier assistants (CCA) at Thousand Oaks Station in San Antonio, Texas worked more than 11½ hours on several days.

The union filed this grievance to protest management assigning these employees to more than 12 hours of daily service. Unable to achieve a resolution through the Informal or Formal Step A levels of the grievance process, the union appealed the grievance to Step B.

The union contended at the Formal Step A meeting the management representative looked at the first set of numbers, closed the folder, and said, "We will have to send this to DRT." The manager then refused to sign the PS Form 8190. The union further contended management denied reasonable time to investigate and prepare this and other grievances. The union maintained working PTFs and CCAs more than 11½ hours results in those employees exceeding 12 hours of daily service, which violates ELM 432.32 and the Step 4 settlement of grievance M-01272.

The union requested management cease and desist from violating the 12 hour rule in the future. The union also requested each of the carriers who exceeded this limit be compensated an additional 100% of their straight time rate for all hours in excess of the 12-hour limit.

Management provided no written contentions for the file.

The DRT reviewed the case file and agreed the CCAs and PTFs identified in the file worked in excess of 11½ hours on multiple days during the week referenced. This constituted a violation of Articles 8.5 and 19 of the National Agreement. The JCAM, on pages 8-20 and 8-21, provides the following relevant language:

Maximum Hours—12 Hour Limit. The overtime limits in Article 8.5.G apply only to full-time regular and full-time flexible employees. However, ELM Section 432.32 provides the following rule that applies to all employees:

Except as designated in labor agreements for bargaining unit employees or in emergency situations as determined by the PMG (or designee), employees may not be required to work more than 12 hours in 1 service day. In addition, the total hours of daily service, including scheduled work hours, overtime, and mealtime, may not be extended over a period longer than 12 consecutive hours. Postmasters, Postal Inspectors, and exempt employees are excluded from these provisions.

Because this language limits total daily service hours, including work and mealtime, to 12 hours, all letter carriers not on the ODL or Work Assignment List (including PTFs and CCAs) are effectively limited to 11½ hours per service day.

This is true whether or not a meal break is taken. This rule also applies during the penalty overtime exclusion period (December).

The remedy in the table on page 1 of this report reflects the DRT's decision to pay each carrier an additional 50% of the straight time rate for all hours worked beyond 11½ during the week cited in this case. Based on its review of the case file, the DRT agreed to the decision and remedy above.



Richard Ketchum
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 Max Rameau

NALC Branch President
NALC Formal A Stephen Gros
District Manager
Postmaster
DRT File

Grievance File Contents

PS Form 8190
Time Limit Extension
Hours Type Inquiry Report
Request for Formal Step A Meeting
Request for Information

Request for Formal Step A Meeting
Union Contentions - 5 pgs
Union's Spreadsheets - 15 pgs
Hours Analysis Report - 14 pgs
Request for Steward Time

<p>Not Processed By Payroll</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>< Back</p>	<p>Payroll Processed</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> <p>Show History</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	Buttons		
New		1	\$10.41	COTTRELL	CHAD	6871	PP1 FY2022	VY5GH0	03/08/2022	Details	Delete	Edit
New		1	\$14.57	WHALEY	NICKOLE	0706	PP1 FY2022	VY5GH0	03/08/2022	Details	Delete	Edit
New		1	\$14.81	DAVIS	ADEO	6010	PP1 FY2022	VY5GH0	03/08/2022	Details	Delete	Edit
New		1	\$19.58	FONTANEZ	MANUEL	4832	PP1 FY2022	VY5GH0	03/08/2022	Details	Delete	Edit
New		1	\$21.94	CANTU	ALEXANDER	1749	PP1 FY2022	VY5GH0	03/08/2022	Details	Delete	Edit
New		1	\$24.54	GROS	STEPHEN	8535	PP1 FY2022	VY5GH0	03/08/2022	Details	Delete	Edit
New		1	\$24.57	WASHINGTON	BRANDON	8314	PP1 FY2022	VY5GH0	03/08/2022	Details	Delete	Edit
New		1	\$27.53	HORN	THADDEUS	8116	PP1 FY2022	VY5GH0	03/08/2022	Details	Delete	Edit
New		1	\$30.00	SAENZ	MARCUS	2476	PP1 FY2022	VY5GH0	03/08/2022	Details	Delete	Edit
New		1	\$35.00	GARDENSWARTZ	MICHAEL	3988	PP1 FY2022	VY5GH0	03/08/2022	Details	Delete	Edit
New		1	\$37.65	SANCHEZ	JAMIE	9514	PP1 FY2022	VY5GH0	03/08/2022	Details	Delete	Edit
New		1	\$37.80	PEREZ	ARNOLD	7512	PP1 FY2022	VY5GH0	03/08/2022	Details	Delete	Edit
New		1	\$45.31	JOHNSON	RACHELLE	9644	PP1 FY2022	VY5GH0	03/08/2022	Details	Delete	Edit
New		1	\$50.59	BECKNAL	ROBERT	1391	PP1 FY2022	VY5GH0	03/08/2022	Details	Delete	Edit
Total New: \$394.30												
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	Buttons
No Data												
Total Paid: \$0.00												
Total Error: \$0.00												