



RESOLVE



STEP B DECISION

Step B Representatives:	Decision:	RESOLVE
USPS:	USPS Number:	G19N-4G-C 2204 0934
Richard Ketchum	Grievant:	Class
NALC:	Branch Grievance Number:	421-2578-21
Jim Ruetze	Branch:	421
	Installation:	San Antonio
Dispute Resolution Team:	Delivery Unit:	Hackberry
Rio Grande	State:	TX
District:	Incident Date:	10/30/2021-11/05/2021
Texas 3	Informal Step A Meeting:	11/17/2021
	Formal Step A Meeting:	12/09/2021
	Received at Step B:	12/10/2021
	Step B Decision Date:	01/28/2022
	Issue Code:	08.5450
	NALC Subject Code:	120051

ISSUE: Did management violate Articles 8.5. and/or 19 (via ELM 432) of the National Agreement when working non-Overtime Desired List (ODL) and Work Assignment (WA) carriers on and off their routes into overtime on October 30 through November 5, 2021? If so, what is the remedy?

DECISION: The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file evidenced a violation of the National Agreement. The carriers in the table below will be compensated the listed amounts. Carriers who were improperly assigned to work overtime were compensated an 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 performed the work. All payments associated with these remedies have been processed at Step B through GATS. See the DRT Explanation below.

Employee	EIN	100% Hrs	OT Hrs	POT Hrs	REMEDY
Ortiz D	02256374	1.33			\$39.24
Gomez Jr	04673224	2.12			\$62.54
Medina A	04613685	0.58			\$17.11
Torres R	04659421	2.51			\$74.05
Llanes J	02291863	0.57			\$16.82
Morales F	04258547		0.00	1.00	\$59.00
Gallegos R	04525946		0.35	1.90	\$127.59
Brown D	04647117		0.00	1.76	\$103.84
Freeman C	02757616		0.00	2.10	\$123.90

EXPLANATION: This grievance concerns the assignment of overtime among full-time letter carriers at the Hackberry Station in San Antonio, Texas during the week of October 30 through November 5, 2021. On those days management assigned overtime to WA and non-ODL carriers on and off their assignments while the ODL carriers were not maximized.

The union filed this grievance to challenge management's violation of Article 8. Unable to resolve the dispute through the Informal and Formal A steps of the grievance procedure, the union appealed to Step B.

The union contended at Formal Step A management violated Article 8.5 of the National Agreement by failing to provide the auxiliary assistant that was available to prevent non-ODL and WA carriers from working overtime on and off their assignments. Management failed to utilize available CCAs and PTFs before mandating non-ODL and WA carriers as is clearly stated and required on page 8-15 of the JCAM.

Carriers being given overtime assignments off their assignment do not need to submit a PS Form 3996 since management gives the assignments and know they will be in overtime.

Management at Formal Step A contended there was no violation of Articles 3, 5, or 8.5 of the National Agreement or the Letter Carrier Paragraph during the week of October 30 through November 5, 2021. ODL carriers, Part-time Flexible carriers, and City Carrier Assistants were maxed out prior to WA carriers and non-ODL carriers carrying overtime on/off their assigned routes and into overtime.

Management contended all ODL, PTF and CCA carriers ere maxed daily according to the Workload Status Report. All ODL carriers were scheduled to work their SDO and assigned 60 hours of work during the week in question. No ODL carrier opportunities were denied. PTF and CCA carriers worked penalty overtime daily. Management contends the ODL and CCA carriers were exhausted and there were still work hours needed, giving management the rights under Articles 3, 8.5, 15 and 19 of the National Agreement to require non-ODL and WA carrier to work off their assignments on select dates during the week of October 30 through November 5, 2021.

The DRT reviewed the case file and determined overtime among full-time carriers during the day in question was not assigned in accordance with the provisions of Article 8.5. 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]

Page 8-18 of the JCAM provides the following contract language supporting the above requirement:


8.5.G. Full-time employees not on the "Overtime Desired" list may be required to work overtime **only if** all available employees on the "Overtime Desired" list have worked

up to twelve (12) hours in a day or sixty (60) hours in a service week. [Emphasis Added]

For WA letter 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 added]

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 Step A: Eric Cordova

NALC Branch President
NALC Formal Step A: Matthias Dearstynne
District Manager
Postmaster
DRT File

Grievance File Contents

PS Form 8190
Union Contentions – 4 pgs.
Union Spread Sheets – 5 pgs.
Managements Contentions – 6 pgs.
Informal A notes
Employee Everything Report – 56 pgs.
Overtime Alert Report – 2 pgs.

Weekly Schedule
4th QTR OTDL
PS Form 3996 – 21 pgs.
Formal Step A Request
Informal Step a Request
RFI

Payout Request History for Grievance
22040934

[HELP](#)

<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	\$16.82	LLANES	JORGE	4168	PP23 FY2021	VY5GH0	01/28/2022	Details	Delete	Edit
New		1	\$17.11	MEDINA	ANTHONY	8740	PP23 FY2021	VY5GH0	01/28/2022	Details	Delete	Edit
New		1	\$39.24	ORTIZ	DAVID	7311	PP23 FY2021	VY5GH0	01/28/2022	Details	Delete	Edit
New		1	\$59.00	MORALES	FABIAN	8276	PP23 FY2021	VY5GH0	01/28/2022	Details	Delete	Edit
New		1	\$62.54	GOMEZ	ROLAND	0419	PP23 FY2021	VY5GH0	01/28/2022	Details	Delete	Edit
New		1	\$74.05	TORRES	RUBEN	9166	PP23 FY2021	VY5GH0	01/28/2022	Details	Delete	Edit
New		1	\$103.84	BROWN	DOMINIQUE	7455	PP23 FY2021	VY5GH0	01/28/2022	Details	Delete	Edit
New		1	\$123.90	FREEMAN	CHARLIE	7015	PP23 FY2021	VY5GH0	01/28/2022	Details	Delete	Edit
New		1	\$127.59	GALLEGOS	RONNIE	1058	PP23 FY2021	VY5GH0	01/28/2022	Details	Delete	Edit
Total New: \$624.09												
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												