



RESOLVE



STEP B DECISION

Step B Representatives:	Decision:	RESOLVE
USPS:	USPS Number:	G19N-4G-C 2147 2471
Richard Ketchum	Grievant:	Class
NALC:	Branch Grievance Number:	421-2682-21
Jim Ruetze	Branch:	421
	Installation:	San Antonio
Dispute Resolution Team:	Delivery Unit:	Hackberry
Rio Grande	State:	TX
District:	Incident Date:	11/27/2021-12/03/2021
Texas 3	Informal Step A Meeting:	12/28/2021
	Formal Step A Meeting:	01/20/2021
	Received at Step B:	01/21/2021
	Step B Decision Date:	02/28/2022
	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 November 27-December 3, 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. Management must comply with the requirements of Article 8.5 when assigning overtime to full-time letter carriers. See the DRT Explanation below.

Employee	EIN	100% Hrs	OT Hrs	POT Hrs	REMEDY
Ortiz, D	02256374	0.60			\$17.70
Gomez Jr, R	04673224	1.63			\$48.09
Medina, AC	04613685	1.77			\$52.22
Torres Jr, R	04659421	2.27			\$66.97
Llanes, JA	02291863	1.42			\$41.89
Fischer, JP	04755676	0.51			\$15.05
Dearstyne, MJ	04563701	1.03			\$30.39
Castillo, AT	02169976	1.20	0.00	0.79	\$82.01

RIO GRANDE DISPUTE RESOLUTION TEAM
 10410 Perrin Beitel Road, Rm 1059
 San Antonio, TX 78284
 PHONE: 210-368-5477, 210-368-1784; FAX: 210-368-8525

Morales, FA	04258547		0.19	0.50	\$37.91
Gallegos, RS	04525946		0.11	1.97	\$121.10
Brown, DX	04647117		0.98	0.67	\$82.90
Freeman Jr, C	02757616		0.00	0.23	\$13.57
Montez, DV	04363393		0.00	0.83	\$48.97
Mason, RE	04235184		0.38	0.50	\$46.32
Rodriguez Jr, J	04665516		0.05	2.35	\$140.86
Bazaldua, SO	04417679		0.00	0.88	\$51.92

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 November 27-December 3, 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. The union further maintained 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.

The union requested the carriers who were improperly assigned overtime be compensated an additional 100% of their straight time rate for those violations, and the available ODL carriers who were bypassed be paid at the appropriate rate for the missed overtime opportunities.

Management at Formal Step A contended PTFs and CCAs who worked up to ten hours are not available at the regular overtime rate. Management further contended they used the rule of reason in assigning off-route overtime on September 18, based on the proximity of the route being split to the routes of the carriers who carried the auxiliary assistance on that route.

Management maintains that when they assign overtime it is not an exact science, and PTFs and CCAs were assigned up to or close to penalty overtime. Management also asserts that carriers' claims regarding factors on the street that cause times to vary are not valid. Therefore, management contends when carriers don't perform to standard or don't submit PS Forms 3996 then management should not be charged with a violation.

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]

Handbook M-41 provides the following, in relevant part:

131.4 Reporting Requirements

131.41 It is your responsibility to verbally inform management when you are of the opinion that you will be unable to case all mail distributed to the route, perform other required duties, and leave on schedule or when you will be unable to complete delivery of all mail.

131.42 Inform management of this well in advance of the scheduled leaving time and not later than immediately following the final receipt of mail. Management will instruct you what to do.

131.43 Complete applicable items on PS Form 3996, *Carrier-Auxiliary Control*, if overtime or auxiliary assistance is authorized in the office or on the street.

The DRT also reminds the parties that the “rule of reason” as it applies to travel time relative to the assistance being provided applies only to Letter Carrier Paragraph overtime (i.e., overtime on a non-ODL carrier’s route on a regularly scheduled day). It is not intended to modify management’s responsibilities when assigning overtime on a nonscheduled day or off of the assignment of a non-ODL or WA carrier.

Carrier Technician AT Castillo is on the work assignment list. During the week in question this carrier was improperly forced into overtime off his/her string on one day and improperly

bypassed for overtime on his/her string on another. Both violations were remedied as indicated in the table. 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 Dearstyne
District Manager
Postmaster
DRT File

Grievance File Contents

Table of Contents
PS Form 8190
Union Contentions - 4 pgs
Union Spreadsheets – 7 pgs
Management Contentions - 7 pgs
Union Worksheet
Work Schedule
ODL Signup Sheet

Overtime Alert Report
Employee Everything Reports - 63 pgs
PS Forms 3996 - 20 pgs
Mandating List
Request for Formal Step A Meeting
Request for Information
Request for Steward Time

New (Not yet sent to Payroll) Paid (Back from Payroll without error)
 Pending (Not back from Payroll) Payroll Error (Back from Payroll with error)
 Submitted (Received acknowledgment from Payroll, awaiting processing)

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	\$13.57	FREEMAN	CHARLIE	7015	PP2 FY2021	VY5GH0	02/28/2022	Details	Delete	Edit
New		1	\$15.05	FISCHER	JOHN	7061	PP2 FY2021	VY5GH0	02/28/2022	Details	Delete	Edit
New		1	\$30.39	DEARSTYNE	MATTHIAS	4460	PP2 FY2021	VY5GH0	02/28/2022	Details	Delete	Edit
New		1	\$37.91	MORALES	FABIAN	8276	PP2 FY2021	VY5GH0	02/28/2022	Details	Delete	Edit
New		1	\$41.89	LLANES	JORGE	4168	PP2 FY2021	VY5GH0	02/28/2022	Details	Delete	Edit
New		1	\$46.32	MASON	ROMEN	6865	PP2 FY2021	VY5GH0	02/28/2022	Details	Delete	Edit
New		1	\$48.09	GOMEZ	ROLAND	0419	PP2 FY2021	VY5GH0	02/28/2022	Details	Delete	Edit
New		1	\$48.97	MONTEZ	DOLORES	9070	PP2 FY2021	VY5GH0	02/28/2022	Details	Delete	Edit
New		1	\$51.92	BAZALDUA	SALVADOR	1634	PP2 FY2021	VY5GH0	02/28/2022	Details	Delete	Edit
New		1	\$52.22	MEDINA	ANTHONY	8740	PP2 FY2021	VY5GH0	02/28/2022	Details	Delete	Edit
New		1	\$66.97	TORRES	RUBEN	9166	PP2 FY2021	VY5GH0	02/28/2022	Details	Delete	Edit
New		1	\$82.01	CASTILLO	AUNOA	3018	PP2 FY2021	VY5GH0	02/28/2022	Details	Delete	Edit
New		1	\$82.90	BROWN	DOMINIQUE	7455	PP2 FY2021	VY5GH0	02/28/2022	Details	Delete	Edit
New		1	\$121.10	GALLEGOS	RONNIE	1058	PP2 FY2021	VY5GH0	02/28/2022	Details	Delete	Edit
New		1	\$140.86	RODRIGUEZ	JOSE	2373	PP2 FY2021	VY5GH0	02/28/2022	Details	Delete	Edit
Total New: \$880.17												
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												