



RESOLVE



STEP B DECISION

Step B Representatives:	Decision:	RESOLVE
USPS:	USPS Number:	G19N-4G-C 2210 1132
Richard Ketchum	Grievant:	Class
NALC:	Branch Grievance Number:	421-0043-22
Jose Portales	Branch:	421
	Installation:	San Antonio
Dispute Resolution Team:	Delivery Unit:	Nimitz
Rio Grande	State:	TX
District:	Incident Date:	01/01-07/2022
Texas 3	Informal Step A Meeting:	01/14/2022
	Formal Step A Meeting:	02/02/2022
	Received at Step B:	02/07/2022
	Step B Decision Date:	03/04/2022
	Issue Code:	08.5450
	NALC Subject Code:	120051

ISSUE: Did management violate Articles 8.5 of the National Agreement when they mandated Work Assignment (WA) carriers to work overtime off their assignments during the week of January 1-7, 2022? 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
Anderson, P.	01947020	2.12			\$62.54
Moreno, M.	03464787	0.58			\$17.11
Fierro, G.	02176777	1.54			\$45.43
Lerma, L.	04507012		0.86		\$38.06
Dietz, D.	03490500		0.78		\$34.52
Whaley, K.	03683707		1.15		\$50.89
Herrera, C.	04540623		1.45		\$64.16

EXPLANATION: This grievance concerns the assignment of overtime among full-time letter carriers at the Nimitz Station in San Antonio, Texas during the week of January 1-7, 2022. On those days, management assigned overtime to WA carriers off their assignments while the ODL carriers were not maximized.

RIO GRANDE DISPUTE RESOLUTION TEAM
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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 contends management violated Article 8.5.D and 8.5.G of the National Agreement when three WA carriers were mandated to work overtime off their assignments while ODL carriers were available at the overtime rate.

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 contends the union failed to perform a thorough investigation. Management provided the Route/Carrier Daily Performance/Analysis Report showing the ODL carriers were projected to have 12 hours of work. It is not feasible to assign them more than that on the assumption they will get done faster. Management maintains the unit has seven ODL carriers and one of them is on medical restrictions, which leave only six qualified ODL carriers. Management asserts these six carriers get all the overtime they want, and more. The union failed to ask for any PS Form 3996s and failed to review or request the Route/Carrier Daily Performance/Analysis Report. Moreover, management contends no carrier at Nimitz is interested in filing a grievance for overtime, yet the union refused to interview any of them to verify this. Carrier Anderson was given 32 minutes on route 13012; however, he used an additional hour of unauthorized overtime. Carrier Fierro extended his route by 17 minutes and the kick-off by another 17 minutes. On Friday Carrier Fierro went over his kick-off by for a total of 34 minutes of unauthorized overtime. Carrier Moreno used 34 minutes of unauthorized overtime. The overtime carriers were maxed out and these carriers extended went into unauthorized overtime on the days in question. Finally, Overtime Carrier Whaley is currently on medical restrictions and cannot be compensated due to those restrictions.

The DRT reviewed the case file and determined overtime among full-time carriers during the week in question was not assigned in accordance with the provisions of Article 8.5. Management contended ODL Carrier Whaley is on medical restrictions and was not available on the days in question. However, the Employee Moves Report included in the file evidenced Carrier Whaley providing auxiliary assistance to other routes. Therefore, the team agreed Carrier Whaley was available for overtime during the week in question. 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. [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



Jose Portales
NALC Step B Representative

cc:

LR Manager, Southern Area
NALC Region 10 NBA
District HR Manager
District LR Manager
USPS Formal Step A: Frank Ossont

NALC Branch President
NALC Formal A: Rudolfo De Los Santos
District Manager
Postmaster
DRT File

Grievance File Contents

PS Form 8190
Request for Information
Request for Steward Time
Union's Contentions (9 pgs)
Weekly Schedule
Union's Charts (4 pgs)
Step B Decision (6 pgs)
Management's Contentions (11 pgs)
Route/Carrier Daily Performance/Analysis Report (8 pgs)

Union's Cover Page
Request to meet at Formal Step A
Time Limit Extension
ODL
Union's Notes
Hours Analysis Report (18 pgs)
Management's Page
Employee Moves Report (11 pgs)
Breadcrumb Details (10 pgs)

Payout Request History for Grievance
22101132

[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>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>< Back</p>	<p>Show History</p>

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	\$17.11	MORENO	MICHAEL	9950	PP2 FY2022	VY5GH0	03/07/2022	Details	Delete	Edit
New		1	\$34.52	DIETZ	DAVID	3462	PP2 FY2022	VY5GH0	03/07/2022	Details	Delete	Edit
New		1	\$38.06	LERMA	LEONCIO	5148	PP2 FY2022	VY5GH0	03/07/2022	Details	Delete	Edit
New		1	\$45.43	FIERRO	GLEN	4530	PP2 FY2022	VY5GH0	03/07/2022	Details	Delete	Edit
New		1	\$50.89	WHALEY	KIRSTEN	6501	PP2 FY2022	VY5GH0	03/07/2022	Details	Delete	Edit
New		1	\$62.54	ANDERSON	PAUL	9690	PP2 FY2022	VY5GH0	03/07/2022	Details	Delete	Edit
New		1	\$64.16	HERRERA	CRISTINA	8270	PP2 FY2022	VY5GH0	03/07/2022	Details	Delete	Edit
Total New: \$312.71												
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												