



RESOLVE



STEP B DECISION

Step B Representatives:	Decision:	RESOLVE
USPS:	USPS Number:	G19N-4G-C 2208 6078
Richard Ketchum	Grievant:	Class
NALC:	Branch Grievance Number:	421-2669-21
Jose Portales	Branch:	421
	Installation:	San Antonio
Dispute Resolution Team:	Delivery Unit:	Serna
Rio Grande	State:	TX
District:	Incident Date:	11/27/2021-12/03/2021
Texas 3	Informal Step A Meeting:	12/17/2021
	Formal Step A Meeting:	01/20/2022
	Received at Step B:	01/28/2022
	Step B Decision Date:	02/24/2022
	Issue Code:	08.5990
	NALC Subject Code:	120055

ISSUE: Did management violate Articles 8 of the National Agreement and Section 432.32 of the Employee and Labor Relations Manual (ELM) by requiring city carrier assistant (CCA) and part-time flexible (PTF) carriers to work more than 11.5 hours in a service day in the week of 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 listed in the 12/60 column will be compensated an additional 50% of their straight time rate for exceeding their daily work limits. Management will ensure the 12-hour limit is enforced for all letter carriers. All payments associated with these remedies have been processed at Step B through GATS. See the DRT Explanation below.

Employee	EIN	12/60 Hrs	REMEDY
Hampton, L.	04768574	4.49	\$45.93
Frowner, D.	04827635	2.45	\$25.06
Diaz, L.	04816296	2.25	\$23.02
Gomez, I.	04781071	0.97	\$9.92
Adoptante, D.	06171770	1.30	\$12.04
Walk, S.	06080613	3.12	\$28.89
Gonzales, J.	04699223	5.65	\$52.32
Anderson, E.	06241605	2.71	\$25.09
Herrera, S.	06179704	4.38	\$40.56
Leal, B.	06174744	4.30	\$39.82
Greer, M.	06126608	4.79	\$44.36

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

Villarreal, C.	06178330	2.82	\$26.11
Duran, M.	06153992	4.01	\$37.13
Cisneros-L	06160005	2.60	\$24.08
Newton, K.	06151838	2.02	\$18.71
Garcia, R.	06170264	4.16	\$38.52

EXPLANATION: This grievance concerns CCA and PTF carriers working more than 11.5 hours in a service day at the Serna Post Office in San Antonio, Texas during the week of November 27 - December 3, 2021.

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 of the National Agreement and Section 432.32 of the ELM by requiring CCA and PTF carriers to work beyond the 11.50 hour limitation during the week of November 27 – December 3, 2021.

The grievance is timely as extensions were agreed upon with management.

The union requested management cease and desist violating Article 8 of the National Agreement by requiring letter carrier to work more than 11.5 hours in a service day. The union also requested the listed carriers be compensated the listed amount by their names.

Management at Formal Step A contended Article 8.5.G only applies to full time employees with the exception of December and not to CCA or PTF employees.

Under Section 432.31 of the ELM, CCA and PTF employees are not limited to a 60-hour work week. The ELM only allows a daily limitation and not a weekly limit.

The CCA and PTF carrier also failed to fill out a Form PS 3996 and did not make management aware they needed auxiliary assistance on those days, which made it impossible to control the maximum daily work hours under Section 432.32 of the ELM. The grievance was filed untimely at the Inform Step A.

The DRT reviewed the case file and determined the case file did evidence a violation of the daily 12-hour work limits. Although the Formal Step A manager contended this grievance was untimely filed at the Informal Step A, the case file evidenced an extension. Management will ensure the 12-hour limit is enforced for all letter carriers. The Joint Contract Administration Manual (JCAM) provides the following language on page 8-19:

Maximum Hours—60 Hour Limit. National Arbitrator Mittenthal ruled in H4N-NA-C 21 "Fourth Issue," June 9, 1986 (C-06238) that the 12-hour and 60-hour limits are absolutes—a full-time employee may neither volunteer nor be required to work beyond those limits. This rule applies to all full-time employees on the ODL or Work Assignment List except during the **Penalty Overtime Exclusion Period (December)**.

Limitations regarding full-time employees **not** on the ODL or Work Assignment List, PTFs, and CCAs are governed by ELM Section 432.32. ELM Section 432.32 rules apply during the penalty overtime exclusion period (December). (Step 4, E94N-4E-C 96031540, February 25, 1998, M-01272). [Emphasis Added]

With respect to CCAs working beyond the 12-hour limit, the DRT agreed with management that it was a violation; the 12-hour rule must be adhered to. Pages 8-20 and 8-21 of the JCAM provide, in relevant part:

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 a meal break is taken. This rule also applies during the penalty overtime exclusion period (December). [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: Zaragoza Soliz

NALC Branch President
NALC Formal Step A: Mark Isenhour
District Manager
Postmaster
DRT File

Grievance File Contents

PS Form 8190
Union Remedy Notes
Overtime Alert Report – 5 pgs
Work Schedule
Additions and Corrections

RFI
Request for Formal Step A Meeting
Management Contentions - 2 pgs
Request for Formal Step A Meeting
Union Contentions - 2 pgs

Submitted (Received acknowledgment from Payroll, awaiting processing)

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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		2	\$9.92	GOMEZ	ISMAEL	8096	PP25 FY2021	VY5GH0	03/01/2022	Details	Delete	Edit
New		2	\$12.04	ADOPTANTE	DYLAN	3674	PP25 FY2021	VY5GH0	03/01/2022	Details	Delete	Edit
New		2	\$18.71	NEWTON	KERSTIN	7819	PP25 FY2021	VY5GH0	03/01/2022	Details	Delete	Edit
New		2	\$23.02	DIAZ	LUIS	2385	PP25 FY2021	VY5GH0	03/01/2022	Details	Delete	Edit
New		2	\$24.08	CISNEROS-LOPEZ	MICHAEL	0149	PP25 FY2021	VY5GH0	03/01/2022	Details	Delete	Edit
New		2	\$25.06	FROWNER	DEANDRE	4998	PP25 FY2021	VY5GH0	03/01/2022	Details	Delete	Edit
New		2	\$25.09	ANDERSON	ELTON	3377	PP25 FY2021	VY5GH0	03/01/2022	Details	Delete	Edit
New		2	\$26.11	VILLARREAL	CHRIS	9000	PP25 FY2021	VY5GH0	03/01/2022	Details	Delete	Edit
New		2	\$28.89	WALK	STEVEN	7401	PP25 FY2021	VY5GH0	03/01/2022	Details	Delete	Edit
New		2	\$37.13	DURAN	MANUEL	5964	PP25 FY2021	VY5GH0	03/01/2022	Details	Delete	Edit
New		2	\$38.52	GARCIA	RUBEN	8636	PP25 FY2021	VY5GH0	03/01/2022	Details	Delete	Edit
New		2	\$39.82	LEAL	BRIAN	8337	PP25 FY2021	VY5GH0	03/01/2022	Details	Delete	Edit
New		2	\$40.56	HERRERA	STEPHEN	3945	PP25 FY2021	VY5GH0	03/01/2022	Details	Delete	Edit
New		2	\$44.36	GREER	MALCOLM	9183	PP25 FY2021	VY5GH0	03/01/2022	Details	Delete	Edit
New		2	\$45.93	HAMPTON	LATRICE	5363	PP25 FY2021	VY5GH0	03/01/2022	Details	Delete	Edit
New		2	\$52.32	GONZALES	JOSEPH	0500	PP25 FY2021	VY5GH0	03/01/2022	Details	Delete	Edit
Total New: \$491.56												
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												