



RESOLVE



STEP B DECISION

Step B Representatives:	Decision:	RESOLVE
USPS:	USPS Number:	4G19N-4G-C 2210 4778
Richard Ketchum	Grievant:	Class
NALC:	Branch Grievance Number:	421-0053-22
Jim Ruetze	Branch:	421
	Installation:	San Antonio
Dispute Resolution Team:	Delivery Unit:	Nimitz
Rio Grande	State:	TX
District:	Incident Date:	01/08/2022-01/14/2022
Texas 3	Informal Step A Meeting:	01/21/2022
	Formal Step A Meeting:	02/01/2022
	Received at Step B:	02/09/2022
	Step B Decision Date:	03/25/2022
	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 January 8-14, 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. Consistent with currently established remedies for this violation, 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 is again reminded they 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, PL	01947020	0.50			\$14.75
Fierro, G	02176777	0.94			\$27.73
Lopez, V	03505139	1.00			\$29.50
Bernal, RR	03523860	1.26			\$37.17
Tsai, E	04736006		0.00	0.91	\$53.69
Marin, RC	01977196		0.00	0.91	\$53.69
Herrera, C	04540623		0.50	0.91	\$75.82
Lerma, LJ	04507012		0.00	0.91	\$53.69
Garcia, EW	02264565		0.00	0.76	\$44.84

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 08-14, 2022. 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. The union also contended there is no "dispatch of value" that allows management to escape its Article 8.5 obligations

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 maintained the union failed to conduct a thorough investigation. No carriers were interviewed, and the union didn't review any PS Forms 3996. Management further contended the union is being punitive when seeking monetary remedies for this 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.

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: 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 Informal Step A Meeting
Request for Formal Step A Meeting
Request for Steward Time

Schedule
ODL Signup Sheet
Prior Step B Decision - 6 pgs
Management Contentions - 13 pgs

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

Union Contentions - 9 pgs
Union Spreadsheets - 2 pgs
Union Remedy Worksheet
Employee Moves Report - 13 pgs
Hours Analysis Report - 9 pgs

Employee Moves Report - 12 pgs
Performance/Analysis Report - 24 pgs
Request for Information
Cover Page

Payout Request History for Grievance

22104778

[HELP](#)

<p>Not Processed By Payroll</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> New (Not yet sent to Payroll) <input checked="" type="checkbox"/> Pending (Not back from Payroll) <input checked="" type="checkbox"/> Submitted (Received acknowledgment from Payroll, awaiting processing) 	<p>Payroll Processed</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Paid (Back from Payroll without error) <input checked="" type="checkbox"/> Payroll Error (Back from Payroll with error)
<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	\$14.75	ANDERSON	PAUL	9690	PP2 FY2022	VY5GH0	03/28/2022	Details	Delete	Edit
New		1	\$27.73	FIERRO	GLEN	4530	PP2 FY2022	VY5GH0	03/28/2022	Details	Delete	Edit
New		1	\$29.50	LOPEZ	VICTOR	7898	PP2 FY2022	VY5GH0	03/28/2022	Details	Delete	Edit
New		1	\$37.17	BERNAL	RICHARD	3229	PP2 FY2022	VY5GH0	03/28/2022	Details	Delete	Edit
New		1	\$44.84	GARCIA	EDWARD	6319	PP2 FY2022	VY5GH0	03/28/2022	Details	Delete	Edit
New		1	\$53.69	MARIN	RUBEN	9859	PP2 FY2022	VY5GH0	03/28/2022	Details	Delete	Edit
New		1	\$53.69	LERMA	LEONCIO	5148	PP2 FY2022	VY5GH0	03/28/2022	Details	Delete	Edit
New		1	\$53.69	TSAI	EDWIN	9050	PP2 FY2022	VY5GH0	03/28/2022	Details	Delete	Edit
New		1	\$75.82	HERRERA	CRISTINA	8270	PP2 FY2022	VY5GH0	03/28/2022	Details	Delete	Edit
Total New: \$390.88												
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												