

RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	4G19N-4G-C 2222 2844
Richard Ketchum	Grievant:	Class
NALC:	Branch Grievance Number:	421-0420-22
Jose Portales	Branch:	421
Dispute Resolution Team:	Installation:	San Antonio
Rio Grande	Delivery Unit:	Valley Hi
District Grieving:	State:	Texas
Texas 3	Incident Date:	03/19/2022-03/23/2022
	Informal Step A Meeting:	03/31/2022
	Formal Step A Meeting:	04/22/2022
	Received at Step B:	05/09/2022
	Step B Decision Date:	06/15/2022
	Issue Code:	08.5450
	NALC Subject Code:	120051

ISSUE: Did management violate Article 8.5 of the National Agreement by mandating non-ODL (Overtime Desired List) carriers on and off their assignments and into overtime when auxiliary assistance was available? 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 letter carriers in the table below are compensated in the amounts by their names. Non-ODL 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. Management must assign overtime consistent with the provisions of Article 8.5. All payments associated with these remedies have been processed at Step B through GATS. See the DRT Explanation below.

Carrier	EIN	100% Hrs	OT Hrs	POT Hrs	REMEDY
Vasquez, G.M.	04223141	1.50			\$44.25
Vasquez, C. I.	04619477	3.70			\$109.15
Rodriguez, M.	03529821	1.38			\$40.71
Bridges, R.	04052653	0.62			\$18.29
Peralta, R.	04352495	1.69			\$49.86
Gomez, S.	04716958		0.10	2.00	\$122.43
Jackson, L.	02231441			1.42	\$83.78
Resendez, L.	02058501			1.44	\$84.96
Lopez, A.	01954535			0.86	\$50.74
Polanco, D.	04021906		0.55		\$24.34
Mendoza,	03682933			0.76	\$44.84

EXPLANATION: This grievance concerns the assignment of overtime among full-time letter carriers at the Valley HI Station in San Antonio, Texas during the week of March 19-23, 2022. During the week cited, management assigned overtime to non-ODL and Work Assignment (WA) carriers off their assignments while city carrier assistants (CCAs), ODL carriers, and WA carrier technicians

were available at the regular overtime rate, and WA carrier technicians and ODL carriers were available at the penalty overtime rate.

The union contended management violated Article 8 by mandating non-ODL and WA carriers to work on and off their assignments prior to maximizing the ODL carriers, city carrier assistants (CCAs), and Part Time Flexibles (PTFs).

The union requested all ODL and CCA carriers be awarded overtime and penalty overtime. The union requested 100% of the straight rate of pay for the aggrieved non-ODL and WA carriers.

Management contended at Formal Step A that the steward kept messing up the paperwork and although extensions were provided the grievance was untimely filed. In the morning prior to the carriers leaving management gives them their expectations as well as instructions. In many cases though the non-ODL carriers did not notify management of their need for auxiliary assistance and went into unauthorized overtime. Management seeks to use all available auxiliary assistance up to the point of them incurring penalty overtime.

The DRT reviewed the case file and determined there were violations of Article 8.5 for the week of March 19-23, 2022 when the overtime among full-time carriers were not assigned in accordance with the provisions of Article 8.5. During the week in question the overtime carriers had still not reached the 12/60 hour limit and were still available. Therefore, the non-ODL carriers were compensated even if no remedy was available for the ODL carriers since they reached the 60 hour limit later in the week. Overtime for non-ODL carriers *on their own assignments* is governed by the Letter Carrier Paragraph, which is found on page 8-14 of the JCAM:

The Letter Carrier Paragraph. For many years Article 8.5.C.2.d also gave management the right to require a letter carrier working on his/her own route on a regularly scheduled day to work mandatory overtime rather than assigning the overtime to a carrier from the ODL.

However, in the Overtime Memorandum first negotiated as part of the 1984 National Agreement, the Postal Service and the NALC added the following qualification, known as the "letter carrier paragraph."

In the Letter Carrier Craft, where management determines that overtime or auxiliary assistance is needed on an employee's route on one of the employee's regularly scheduled days and the employee is not on the overtime desired list, the employer will seek to utilize auxiliary assistance, when available, rather than requiring the employee to work mandatory overtime.

Implementing Memorandum on Letter Carrier Paragraph. A memorandum of understanding signed December 20, 1988 (M-00884) further explained the requirement to seek to use auxiliary assistance before requiring letter carriers not on the ODL or Work Assignment List to work overtime on their own route on a regularly scheduled day.

CCAs are considered as auxiliary assistance. Accordingly, management **must seek** to use CCAs at either the straight-time or regular overtime rate prior to requiring letter carriers not on the ODL or Work Assignment List to work overtime on their own route on a regularly scheduled day.

Management must seek to use all of the following to provide auxiliary assistance:

- PTFs at the straight-time or regular overtime rate
- CCAs at the straight-time or regular overtime rate

- available full-time regular employees such as unassigned or reserve regulars at the straight-time rate
- full-time carriers from the ODL at the regular overtime rate

However, the memo states that management does not have to use ODL carriers to provide auxiliary assistance if such an assignment would mean that the ODL carriers would be working penalty overtime. In that limited situation—if no auxiliary assistance is available without going into penalty overtime—management can require full-time regular carriers not on the ODL to work overtime on their own routes on a regularly scheduled day. Remember that this limited exception applies only when a full-time non-ODL letter carrier is required to work overtime on his/her own assignment on a regularly scheduled day. [Emphasis Added]

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).

Page 8-18 of the 2021 JCAM provides in pertinent part (with emphasis added at Step B):

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. Employees on the “Overtime Desired” list:

1. may be required to work up to twelve (12) hours in a day and sixty (60) hours in a service week (subject to payment of penalty overtime pay set forth in Section 4.D for contravention of Section 5.F); and
2. excluding December, shall be limited to no more than twelve (12) hours of work in a day and no more than sixty (60) hours of work in a service week. [Emphasis Added]

For Work Assignment carriers and Carrier Technicians on the work assignment list, the following JCAM language from pages 8-21 and 8-22 address 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]

Carrier Technicians on the Work Assignment List are considered available for overtime on any of the routes on their string. Subject to the penalty overtime exceptions discussed above, this provision should be applied as follows:

- A **Carrier Technician** who has signed for **Work Assignment** overtime has **both** a right and an obligation to work any overtime that occurs on **any** of the five component routes on a regularly scheduled day.

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- When overtime is required on the regularly scheduled day of the route of a carrier who is on the ODL and whose Carrier Technician is on the Work Assignment List, the Carrier Technician is entitled to work the overtime.
- When overtime is required on the regularly scheduled day of the route of a carrier who is on the Work Assignment List and whose Carrier Technician is also on the Work Assignment List, the regular carrier on the route is entitled to work the overtime. [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: Arnold Pena

NALC Branch President
NALC Formal Step A: Jay Davis
District Manager
Postmaster
DRT File

Grievance File Contents

PS Form 8190 (2 pgs)
Text Messages (5 pgs)
Time Limit Extensions
Request to Meet at Formal Step A
Management's Contentions (9 pgs)
Overtime Alert Report (3 pgs)
Union's Worksheet (2 pgs)
Employee Moves Report (18 pgs)
Employee Everything Report (112 pgs)

Union's Contentions (4 pgs)
Request for Information (3 pgs)
Request for Steward Time
PS Form 3971s (18 pgs)
Supervisor's Worksheet (4 pgs)
PS Form 3996s (2 pgs)
OTDL
Hours Analysis Report (8 pgs)

Payout Request History for Grievance

22222844

[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		2	\$18.29	BRIDGES	RENEE	3446	PP7 FY2022	VY5GH0	06/16/2022	Details	Delete	Edit
New		2	\$24.34	POLANCO	DEBORAH	1345	PP7 FY2022	VY5GH0	06/16/2022	Details	Delete	Edit
New		2	\$40.71	RODRIGUEZ	MARK	5002	PP7 FY2022	VY5GH0	06/16/2022	Details	Delete	Edit
New		2	\$44.25	VASQUEZ	GEORGE	9466	PP7 FY2022	VY5GH0	06/16/2022	Details	Delete	Edit
New		2	\$44.84	MENDOZA	LUIS	8120	PP7 FY2022	VY5GH0	06/16/2022	Details	Delete	Edit
New		2	\$49.86	PERALTA	ROQUE	1671	PP7 FY2022	VY5GH0	06/16/2022	Details	Delete	Edit
New		2	\$50.74	LOPEZ	ANTONIO	9117	PP7 FY2022	VY5GH0	06/16/2022	Details	Delete	Edit
New		2	\$83.78	JACKSON	LEONARD	4233	PP7 FY2022	VY5GH0	06/16/2022	Details	Delete	Edit
New		2	\$84.96	RESENDEZ	LARRY	6693	PP7 FY2022	VY5GH0	06/16/2022	Details	Delete	Edit
New		2	\$109.15	VASQUEZ	CRYSTAL	0186	PP7 FY2022	VY5GH0	06/16/2022	Details	Delete	Edit
New		2	\$122.43	GOMEZ	STEPHEN	9947	PP7 FY2022	VY5GH0	06/16/2022	Details	Delete	Edit
Total New: \$673.35												
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												