



RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	4G19N-4G-C 2224 9927
Richard Ketchum	Grievant:	Class
NALC:	Branch Grievance Number:	421-0711-22
Jose Portales	Branch:	421
	Installation:	Boerne
Dispute Resolution Team:	Delivery Unit:	Boerne Annex
Rio Grande	State:	Texas
District Grieving:	Incident Date:	05/07/2022-05/13/2022
Texas 3	Informal Step A Meeting:	05/20/2022
	Formal Step A Meeting:	05/25/2022
	Received at Step B:	05/31/2022
	Step B Decision Date:	07/19/2022
	Issue Code:	08.5450
	NALC Subject Code:	120051

ISSUE: Did management violate Article 8.5 of the National Agreement when they forced Work Assignment (WA) carriers to work overtime off their assignments? 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 50% 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	50% Hrs	OT Hrs	POT Hrs	REMEDY
Mathews, A.J.	03081749	0.77			\$11.36
Turnbull, J.	04400847	0.89			\$13.13
Hanakam-O'Brien, J.	04531634	4.85			\$71.35
Garcia, H.	03606645	14.33			\$211.37
Popiel, T.	04503604	1.80			\$26.55
Garcia, G.	04724408		7.06	4.24	\$562.57
Kennedy, R.	03666218	10.12			\$149.27

EXPLANATION: This grievance concerns the assignment of overtime to the full-time letter carriers at the Boerne Annex Station in Boerne Texas during the week of May 7-13, 2022. During the week, cited management improperly assigned overtime to the WA carriers.

The union filed this grievance to protest management's failure to properly assign overtime. Unable to achieve a resolution through the Informal and Formal A steps of the grievance procedure, the union appealed to Step B.

The union contended management violated Article 8 by mandating WA carriers to work off their own assignments prior to maximizing the city carrier assistants (CCAs). The CCA should have been assigned the overtime worked by the WA carriers. If the overtime desired list (ODL) does not provide sufficient carriers management may go off the list and require non-ODL and WA carriers to work overtime on a rotating basis by juniority. The union requested a copy of the mandating roster and management claims they don't have one.

The union requested the WA carriers be granted compensatory time off in the amount listed by their names.

Management met at Formal Step A but no contentions were included in the file.

The DRT reviewed the case file and determined there were violations of Article 8.5 for the week of May 7-13, 2022 when the overtime among full-time carriers were not assigned in accordance with the provisions of Article 8.5. Management provided no evidence or rebuttal to the union's contention of not mandating overtime by juniority. The Joint Contract Administration Manual (JCAM) addresses when the ODL does not provide sufficient carriers on pages 8-16 and 8-17:

Mandatory Overtime. One purpose of the ODL is to excuse full-time carriers not wishing to work overtime from having to work overtime. Before requiring a non-ODL carrier to work overtime on a non-scheduled day or off his/her own assignment on a regularly scheduled day, management must seek to use a carrier from the ODL, even if the ODL carrier would be working penalty overtime. However, if the ODL does not provide sufficient qualified full-time regulars for required overtime, Article 8.5.D permits management to move off the list and require non-ODL carriers to work overtime on a rotating basis starting with the junior employee. This rotation begins with the junior employee at the beginning of each calendar quarter. Absent an LMOU provision to the contrary, employees who are absent on a regularly scheduled day (e.g. sick leave or annual leave) when it is necessary to use non-ODL employees on overtime will be passed over in the rotation until the next time their name comes up in the regular rotation. [Emphasis Added]

The JCAM language on pages 8-21 and 8-22 addresses the assignments of overtime to carriers and Carrier Technicians on the Work Assignment List:

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 ODL—They may only be required to work overtime under the provisions of Article 8.5.D.

Full-time letter carriers who sign the Work Assignment List are considered to be available for up to 12 hours per day on regularly scheduled days. However, the Work Assignment Agreement recognizes that it is normally in the parties' best interests not to require employees to work beyond 10 hours per day, and managers should not require work assignment volunteers to work beyond 10 hours "unless there is no equally prompt and efficient way to have the work performed."

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Management may assign an employee from the regular ODL to work regular overtime to avoid paying penalty pay to a carrier who has signed for Work Assignment overtime. This exception does not apply during the penalty overtime exclusion period (December) when penalty overtime is not paid. Management may always assign another carrier to perform the work at the straight-time rate rather than assigning overtime to a carrier on the Work Assignment List. Management may also assign PTFs and CCAs at the straight-time or overtime rate (up to the ELM limitations).

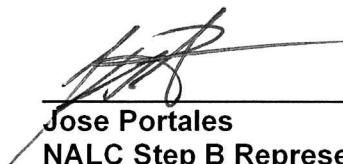
Carrier Technicians on the Work Assignment List are considered available for overtime on any of the routes on their string. Subject to the penalty overtime exceptions discussed above, this provision should be applied as follows:

- 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.
- 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 mutually agreed on 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 A: James Breedlove

NALC Branch President
NALC Formal A: Gerardo Garcia
District Manager
Postmaster
DRT File

Grievance File Contents

PS Form 8190
Request to Meet at Informal Step A
Union's Contentions (10 pgs)
Employee Everything Report (27 pgs)
Weekly Schedule

Request for Information
Request to Meet at Formal Step A
Union's Notes
ODL

Payout Request History for Grievance

[HELP](#)

22249927

<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	\$11.36	MATHEWS	ARTHUR	3515	PP11 FY2022	VY5GH0	07/20/2022	Details Delete Edit
New		1	\$13.13	TURNBULL	JACKIE	0228	PP11 FY2022	VY5GH0	07/20/2022	Details Delete Edit
New		1	\$26.55	POPIEL	TRAVIS	7918	PP11 FY2022	VY5GH0	07/20/2022	Details Delete Edit
New		1	\$71.35	HANAKAM OBRIEN	JOANNE	1982	PP11 FY2022	VY5GH0	07/20/2022	Details Delete Edit
New		1	\$149.27	KENNEDY	RENEE	7519	PP11 FY2022	VY5GH0	07/20/2022	Details Delete Edit
New		1	\$211.37	GARCIA	HUMBERTO	9662	PP11 FY2022	VY5GH0	07/20/2022	Details Delete Edit
New		1	\$562.57	GARCIA	GERARDO	3446	PP11 FY2022	VY5GH0	07/20/2022	Details Delete Edit
Total New: \$1,045.60										
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												