



RESOLVE



STEP B DECISION

Step B Team:
 USPS:
Michael Goden
 NALC:
James D Kimbrell

District:
Rio Grande

USPS Formal A:
Troy Morgan
 NALC Formal A:
Richard Gould

Decision:
 USPS Number: **G16N-4G-C 1765 8653**
 Grievant: **Class**
 Branch Grievance Number: **421-977-17**
 Branch: **421**
 Installation: **Schertz**
 Delivery Unit: **MPO**
 State: **TX**
 Incident Date: **09/09/2017 – 09/15/2017**
 Informal Step A Initiated: **09/28/2017**
 Formal Step A Meeting: **10/17/2017**
 Date Received at Step B: **10/24/2017**
 Step B Decision Date: **11/17/2017**
 Issue Code: **08.5000**
 NALC Subject Code: **120051**

ISSUE:

Did management violate Article 8.5 of the National Agreement by mandating non-ODL/Work Assignment carriers to work overtime off assignment when there were available ODL carriers? If so, what is the appropriate remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file did evidence a violation of Article 8.5. Payment has been made by the Step B team to the carriers listed below. See DRT Explanation.

01981614	MCCOLLUM	\$20.75	02167852	Lewis E	\$57.75
02111949	ZIMMERMAN	\$23.88	02351408	Zengerie	\$57.38
02430038	HENRY	\$25.75	01954621	Martinez J	\$57.38
03488290	BETTS	\$25.00	02330345	Sandodrval P	\$57.38
03649732	ENGLISH	\$38.88	04174676	Pedroza	\$57.38
01194867	Brewer	\$57.75	02946527	Alexander	57.75

EXPLANATION:

The union contends management violated the contract by mandating non-ODL/Work Assignment carriers to work overtime off assignment when there was auxiliary assistance available.

Management met at the Formal Step A level but did not provide any contentions

The DRT determined that there was a violation when non-ODL carriers were forced to work overtime off-assignment when there were available ODL employees. Work assignment carriers were mandated to work overtime off-assignment and were remedied at 50% of the straight-time rate. The ODL carriers who were available for the overtime were paid at the overtime or penalty overtime rate depending on how many hours in the day they had already

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worked. The DRT fashioned the remedy based on the available reports and information in the case file.

Applicable contract language from Article 8 in the JCAM is shown below in relevant part:

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.

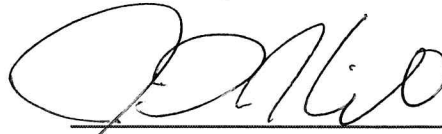
However, the Employer is not required to utilize employees on the "Overtime Desired" list at the penalty overtime rate if qualified employees on the "Overtime Desired" list who are not yet entitled to penalty overtime are available for the overtime assignment.

Mandatory Overtime. One purpose of the Overtime Desired List 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 Overtime Desired List does not provide sufficient qualified fulltime 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.

Based on the review of the case file, the DRT agreed to the remedy above.



Michael Goden
USPS Step B Representative



James D Kimbrell
NALC Step B Representative

Grievance File Contents:

PS Form 8190
Carrier Schedule
Employee Everything Report
Hours Analysis Report
Formal A Meeting Request

Union Contentions
Employee Moves Report
Union Remedy Worksheet
Union Information Request
OTDL Sign-Up Sheet

cc: District Manager, Rio Grande District
NALC NBA, Region 10
Manager, Human Resources, Rio Grande District
Manager, Labor Relations, Rio Grande District
Postmaster
NALC Branch President
USPS Formal A Representative
NALC Formal A Representative
DRT File

17658653

no data

Not Processed By Payroll

- ☒ New (Not yet sent to Payroll)
- ☒ Pending (Not back from Payroll)
- ☒ Submitted (Received acknowledgment from Payroll, awaiting processing)

Payroll Processed

- ☒ Paid (Back from Payroll without error)
- ☒ Payroll Error (Back from Payroll with error)

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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	
New		2	\$20.75	MCCOLLUM	TIMOTHY	4536	PP19 FY2017	BBVXZ0	11/17/2017	<input type="checkbox"/>
New		2	\$23.88	ZIMMERMANN	JEFFREY	7238	PP19 FY2017	BBVXZ0	11/17/2017	<input type="checkbox"/>
New		2	\$25.00	BETTS	HEATHER	0296	PP19 FY2017	BBVXZ0	11/17/2017	<input type="checkbox"/>
New		2	\$25.75	HENRY	DENNIS	2011	PP19 FY2017	BBVXZ0	11/17/2017	<input type="checkbox"/>
New		2	\$38.88	ENGLISH	JOHN	6585	PP19 FY2017	BBVXZ0	11/17/2017	<input type="checkbox"/>
New		2	\$57.38	MARTINEZ	JAVIER	5272	PP19 FY2017	BBVXZ0	11/17/2017	<input type="checkbox"/>
New		2	\$57.38	ZENGERLE	JASON	5712	PP19 FY2017	BBVXZ0	11/17/2017	<input type="checkbox"/>
New		2	\$57.38	SANDOVAL	PATSY	2479	PP19 FY2017	BBVXZ0	11/17/2017	<input type="checkbox"/>
New		2	\$57.38	PEDROZA	JOE	4286	PP19 FY2017	BBVXZ0	11/17/2017	<input type="checkbox"/>
New		2	\$57.75	ALEXANDER	ROBERT	9854	PP19 FY2017	BBVXZ0	11/17/2017	<input type="checkbox"/>
New		2	\$57.75	LEWIS	EDDIE	6061	PP19 FY2017	BBVXZ0	11/17/2017	<input type="checkbox"/>
New		2	\$57.75	BREWER	DAVID	7193	PP19 FY2017	BBVXZ0	11/17/2017	<input type="checkbox"/>
Total New: \$537.03										
Total Pending: \$0.00										
Total Submitted: \$0.00										

Paid and Errors from Finance

[illegible]