



STEP B DECISION

CAPITAL METRO AREA
NALC/USPS STEP B
DISPUTE RESOLUTION
TEAM

DISTRICTS
CAPITAL
BALTIMORE
NORTHERN VIRGINIA

DECISION: RESOLVED
USPS GATS #: K01N-4K-C 07125330
GRIEVANT: NALC
BRANCH GRIEVANCE NUMBER: 50-2007-SL13
BRANCH: 3825
INSTALLATION: 23-7884
DELIVERY UNIT: Main Office/Rockville
STATE: Maryland
DATE STEP A INITIATED: 02/22/2007
STEP A MEETING DATE: 03/27/2007
DATE RECEIVED AT STEP B: 04/03/2007
STEP B DECISION DATE: 04/18/2007
ISSUE CODE: 08.5700

ISSUE:

Did Management violate Article 8 section 5.g of the National Agreement on February 12, 2007 by working NON-ODL Carrie's on their non-schedule day, as well as hundreds of prior settlements including many pre-arbitration settlements and precedent setting Step B decisions and a recent arbitration award dated August 31, 2006, and if so, what is the appropriate remedy?

DECISION:

The Dispute Resolution Team has RESOLVED this grievance based on the documentation contained in the case file. The local parties have agreed that Management did violate Article 8 section 5.g of the National Agreement. Therefore the only issue in this case for the Step B Team to decide on, is the additional 175% escalating remedy requested by the Union for the repetitive violation of Article 8 for all hours worked by the NON-ODL's on, February 12, 2007. The Step B Team agrees that the following NON-ODL's will be granted an additional 175% for all hours worked on February 12, 2007;

- *Ortiz 7.98*
- *A. Branunstein 8.00*
- *S. Patel 7.99*

The ODL's will be paid 23.97 hours of overtime at the applicable overtime rate of pay; ODL's will be designated by the local Union. Management is directed to make the pay adjustment within 14 days from the date of this decision. Management is also order a cease and desists from further repetitive Article 8 violation. No other remedy is granted.

EXPLANATION:

On Monday, February 12, 2007 NON-ODL carriers, worked their non-scheduled day. The Union alleges that there were carriers on the 12 hour overtime desired list that were available to work up to 12 hours and did not. The issue of whether Management violated Article 8 is not in dispute, because Management agreed to the violation, but not the remedy requested by the Union.

The Union contends that this case should not have been sent to the Step B Team, due to prior local settlement and precedent setting Step B decisions, Pre-arbitration and Regional Regular panel arbitration settlements resulting in the repetitive Article 8 violation.

Management contends that they followed the instruction of the "Officer in Charge" (OIC), Jack Felton and while they agree to the violation, and willing to pay the rate as outlined in the JCAM, they are not willing to pay the escalating remedy requested by the Union.

After carefully reviewing all the facts and documentation in this case, the Step B Team agrees that, the Union has presented overwhelming documentation providing the necessary evidence showing Management has repeatedly violated Article 8 of the National Agreement in a ongoing basis which is not disputed by Management . In reviewing the case file the Union has submitted countless Informal, and Formal Step A grievance settlements, in addition to Prior precedent setting Step B decisions, Pre-arbitration, and two regular panel arbitration decisions granting an escalating remedy for the recurring Article 8 violation in Rockville.

The Step B Team relied on the documentation submitted by the Union and two (2) prior arbitration awards in reaching our decision; Arbitrator Mark Rosen, Case number K01N-4K-C-06059255, and Arbitrator Joel S. Trosch, Case number K01N-4K-C 06022276.

Therefore, the Team finds it wholly appropriate in this instance, to render the above stated decision.

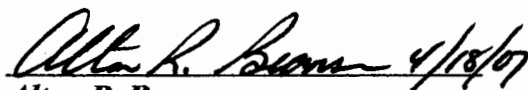
Case File Inventory:

PS Form 8190-1 page

Issue Statement

Union Package 67 pages

**Union's Supporting Documentation, excess of a thousand pages
Management Package 1 pages**

 4/18/07  4-18-07

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NALC Step B Representative

John H. Denton
USPS Step B Representative

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CC: Step A Parties
District Labor Relations
National Business Agent
Capital Metro Labor Relations