

SUBJECT: JUNIOR CARRIER NOT ON OVERTIME DESIRED LIST
GRIEVES BECAUSE HE IS NOT ORDERED TO WORK

COMMENT: Management may use volunteers or part time
flexibles not on list but carriers not on the
list cannot argue that they should have forced
him to work, when the intent of not signing the
list is to be excused.

MAR 28 1977

M-00776

Mr. Thomas D. Riley
Assistant Secretary-Treasurer
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, NW
Washington, DC 20001

Re: J. Kemp
Ocean City, NJ
NC-E-4790/E3-SJ-461

Dear Mr. Riley:

On February 15, 1977, we met with you to discuss the above-
captioned grievance at the fourth step of our contractual
grievance procedure.

The matters presented by you as well as the applicable
contractual provisions have been reviewed and given careful
consideration.

The issue in this case concerns whether the Employer is
contractually required to call in the junior full-time
regular employee when no full-time regular employees have
signed up on the Overtime Desired list.

The particulars presented show that no letter carrier signed
up on the Overtime Desired list for the quarter in question.
The need for overtime arose on June 16, 1976 and management
called employees who were on their non-scheduled day to see
if they would work overtime. Two of those contacted accepted
the offer, one of which was senior to the grievant. In such
circumstances, under the terms and conditions of the National
Agreement, management has the option of mandating overtime
by juniority, ~~(of using part-time flexible employees)~~ or
asking for volunteers or pivoting work on vacant routes. In
these instances, it is not shown that overtime was mandated
by management, but rather that employees were solicited to
volunteer to work the overtime.

In the circumstances presented, no contractual violation is
evidenced; therefore, the grievance is denied.

Sincerely,

(signed)

William E. Henry, Jr.
Labor Relations Department