

Arbitration Summary

UNION: Teamsters Local 117

AGENCY: Department of Corrections

GRIEVANT: Michael Azzinnaro

CBA: WFSE 2005-2007

ARBITRATOR: Carol J. Teather

DATE FILED: February 5, 2007

HEARING DATE: February 28, 2008
(Post Hearing briefs were granted an extension to November 3, 2008)

DATE OF AWARD: December 31, 2008

ARTICLE(S) GRIEVED:

Article 5.1 – Collective Bargaining Obligations

Article 21.5 – Relief Limitations

Article 21.6 – Vacation Selection

Article 21.7 – Supplemental Requests

ISSUE STATEMENT(S):

Did the Department of Corrections violate articles 5.1, 21.5, 21.6, or 21.7 of the Collective Bargaining Agreement and, if so, what is the appropriate remedy?

AWARD:

The Employer did not violate the Agreement by eliminating a relief sergeant position and thereby reducing the number of days available for vacation leave. The Employer had the management right to abolish a position. The Grievant was able to take all of his accrued vacation leave within the limitations of the authorized relief allocated for his shift, just not on all of the particular days he wished to take it. With the exception of two shifts of accrued vacation time not at issue here, the Agreement does not provide employees with the right to a particular day or a particular segment of vacation leave, only the right to obtain a scheduled time to select vacation days based on their seniority and the right to make supplemental requests for vacation leave or a personal holiday. The evidence does not establish the Employer violated Article 5, Section 5.1, Article 21, Sections 21.5, 21.6 or 31.7 as claimed by the grievance.