

## **Arbitration Summary**

**UNION:** Teamsters Local Union No. 117

**AGENCY:** Department of Corrections

**GRIEVANT:** Group Grievance

**CBA:** Teamsters 2005–2007

**ARBITRATOR:** William Greer

**DATE FILED:** July 13, 2005

**HEARING DATE:** November 8, 2006

**DATE OF AWARD:** January 22, 2007

**ARTICLE(S) GRIEVED:** Article 16.5 – Overtime Exempt Employees

### **ISSUE STATEMENT(S):**

During the negotiation of the 2005–2007 Collective Bargaining Agreement (CBA), did the State provide to the Union mistaken information regarding pre-July 1, 2005 compensation of overtime-exempt employees? If so, did the State later fail to provide the correct information to the Union? At the conclusion of negotiations, did the State and the Union have a *mutual* mistaken understanding of the pre-July 1, 2005 compensation for overtime-exempt employees or did only the *Union* have a mistaken understanding of that practice? If only the Union had a mistaken understanding, did or should the state have known of that mistake? Should Article 16.5 be rescinded and reformed?

### **AWARD:**

The Arbitrator, William Greer, asserted that the Union had the burden of producing evidence sufficient to prove its claim. The Arbitrator found the Union did not prove that the State had failed during negotiations of the 2005–2007 CBA, to provide correct information to the Union regarding the pre-July 1, 2005 compensation of overtime-exempt employees. The language in the parties' 2005–2007 CBA is not subject to rescission or reformation. The State did not violate the CBA and the grievance was denied.