

Arbitration Summary

UNION: Teamsters Local Union No. 117

AGENCY: Department of Corrections

GRIEVANT: Matt Johnson and Lester Estes

CBA: Teamsters 2005–2007

ARBITRATOR: Michael E. Cavanaugh, J.D.

DATE FILED: March 22, 2006

HEARING DATE: March 23, 2007

DATE OF AWARD: June 4, 2007

ARTICLE(S) GRIEVED: Article 17 – Overtime

ISSUE STATEMENT(S):

Did the Employer violate the Collective Bargaining Agreement (CBA) when it set aside the normal maximum overtime limitations due to a lockdown and then assigned voluntary overtime to less senior volunteers who had not exceeded the normal maximum overtime limitations ahead of more senior employees who had exceeded the normal maximum overtime limitations? If so, what is the appropriate remedy?

AWARD:

The Arbitrator, Michael E. Cavanaugh, concluded that the State violated Article 17.1 of the CBA. He ruled that the two affected employees (who signed the grievance at Step 1) were entitled to a make-whole remedy. The remedy covered overtime shifts for which they signed the voluntary overtime list but were denied an available assignment based on application of the Superintendent's voluntary overtime policy during the lockdown. Further, he ruled the employees who did not sign the grievance were not entitled to an individual make-whole remedy. The Arbitrator retained jurisdiction for 60 days from the date of the award for to resolve any disputes arising in connection with implementation of the remedy.