

Arbitration Summary

UNION: Washington Federation of State Employees (WFSE)

AGENCY: Department of Information Services

GRIEVANT: William Longnecker and Gregory Ambrose

CBA: WFSE 2005–2007

ARBITRATOR: Howell L. Lankford

DATE FILED: July 21, 2005

HEARING DATE: August 21, 2006

DATE OF AWARD: November 3, 2006

ARTICLE(S) GRIEVED: Article 6.2 – Hours of Work (Determination)

ISSUE STATEMENT(S):

Did the State violate Article 6.2 of the Collective Bargaining Agreement (CBA) when they designated these two employees as overtime exempt? If so, what is the appropriate remedy?

AWARD:

The Arbitrator, Howell L. Lankford, found that the State did not violate the CBA by its designation of Mr. Longnecker as overtime-exempt as an administrative employee; and that portion of the grievance was dismissed. The State did violate the CBA by its designation of Mr. Ambrose as a computer employee. The State shall designate him as overtime-eligible and shall make him whole for any non-compensated or improperly compensated overtime he should have been paid for during the period beginning 21 days before the filing of his grievance. The Arbitrator retained jurisdiction for 30 days for the limited purpose of resolving issues that might arise under the general "designate" and "make whole" language of the award.