

Arbitration Summary

UNION: Washington Federation of State Employees (WFSE)

AGENCY: Department of Social and Health Services

GRIEVANT: Carole Burinsky

CBA: WFSE 2007-2009

ARBITRATOR: Alan R. Krebs

DATE FILED: July 24, 2007

HEARING DATE: January 23, 2009

DATE OF AWARD: March 23, 2009

ARTICLE(S) GRIEVED:

Article 6 – Hours of Work

ISSUE STATEMENT(S):

Did the State violate the Collective Bargaining Agreement (CBA) particularly Article 6.3B when it refuse the Grievant's request for a 4/10 alternate work schedule?

AWARD:

The arbitrator, Alan R. Krebs, found that the Employer did violate Article 6.3B when it denied the Grievant's request for a 4/10 alternate work schedule. The arbitrator reasoned that the language in the collective bargaining agreement requires that, "[i]f the Employer relies on business and customer service needs to reject a request for an alternative schedule, the language of Section 6.3B effectively places the burden on the Employer to establish that the need to reject the request exists, since otherwise, the request 'will be approved.'" The arbitrator concluded that the Employer had not established that granting one employee an alternative work schedule would not allow the Employer to meet its business and customer service needs. Therefore, the arbitrator granted the grievance and ordered the Employer to grant the grievant an alternative work schedule.