Arbitration Summary

UNION: Washington Public Employees Association (WPEA)

AGENCY: Liquor Control Board

GRIEVANT: Danny White

CBA: WPEA 2009-2011

ARBITRATOR: Alan R. Krebs

DATE FILED: December 17, 2009

HEARING DATE: February 1, 2011

DATE OF AWARD: March 25, 2011

ARTICLE(S) GRIEVED:
Article 36 – Management Rights
Article 40 – Classification (40.1 Classification Plan Revision, 40.4 Salary Impact of Reallocation)
Article 41 – Compensation (41.20 Salary Overpayment Recovery)

ISSUE STATEMENT(S):
Did the Employer violate the Collective Bargaining Agreement when it reduced the Grievant’s salary and demanded that he pay back salary that is considered to be an overpayment? If so, what is the appropriate remedy?

AWARD:
The arbitrator, Alan R. Krebs, concluded that the Employer did not violate the CBA when it reduced the Grievant’s salary to the level appropriate for a Retail Manager 3 and demanded that he pay back the amount of the overpayment which he has received during the August 15 through October 31, 2009 pay periods. The grievance was denied.