

Arbitration Summary

UNION: Teamsters Local Union No. 117

AGENCY: Department of Corrections

GRIEVANT: Catherine Dillon, Darren Feiler, Michelle Johnson, Fallen Luciano, Odis Rozier

CBA: Teamsters 2007-2009

ARBITRATOR: Anthony D. Vivenzio

DATE FILED: February 21, 2008

HEARING DATE: September 4, 2008

DATE OF AWARD: January 16, 2009

ARTICLE(S) GRIEVED:

17.1 Determination and Assignment of Overtime

ISSUE STATEMENT(S):

Did the employer violate the agreement when it did not award voluntary overtime posts on the island to employees working at the dock or at the depot, when the overtime work was contiguous to the employees' regular shift?

AWARD:

The Employer is in violation of the Collective Bargaining Agreement, to wit, Articles 17.1 (A)(2), 17.1 (D)(2), 17.1 (D)(4), and 17.8 of the Contract between the Parties effective 2007-2009, and Articles 17.1 (A)(1), 17.1 (A)(2), 17.1 (C) and 17.1 (D) of the Contract between the Parties effective 2005-2007, from and after on or about May 22, 2007, when it did not award voluntary overtime posts on McNeil Island to employees working at the dock or at the depot on the mainland, when the overtime work was contiguous to the employee's regular shift.

Pursuant to stipulation of the Parties, the Arbitrator will retain jurisdiction of the present grievance for sixty (60) days, that is until 4:30 p.m., March 17, 2009. During this period, the Parties shall endeavor to craft their own remedy. If the Parties are unable to craft their own remedy within that period, the Arbitrator's jurisdiction shall continue and the Union will submit its position as to the appropriate remedy for receipt by the Employer and the Arbitrator no later than 4:30 p.m. March 24, 2009. The Employer will then have two weeks, that is by 4:30 p.m., April 7, 2009, to respond to that position statement with no further argument from either side. The Arbitrator shall issue his Award thereon within thirty (30) days, that is by May 7, 2009, and his jurisdiction shall be extended for a further period of sixty (60) days to resolve disputes regarding the implementation of the remedy. If the Arbitrator is not in receipt of the Union's submission regarding the remedy by 4:30 p.m., March 24, 2009, the Arbitrator's jurisdiction over this grievance shall then cease.