

Arbitration Summary

UNION: Teamsters Local Union 117

AGENCY: Department of Corrections

GRIEVANT: Group Grievance filed by James H. Stewart

CBA: Teamsters 2007-2009

ARBITRATOR: Anthony Vivenzio

DATE FILED: January 31, 2008

HEARING DATE: March 25, 2009

DATE OF AWARD: July 17, 2009

ARTICLE(S) GRIEVED:

17.1 – Determination and Assignment of Overtime

ISSUE STATEMENT(S):

1. Did the Employer violate the contract between the parties by giving the choice of overtime posts to on-call employees before offering overtime posts to the most senior full-time employees who were signed up on the voluntary overtime list? If so, what is the appropriate remedy?
2. Did the employer violate the Agreement between the Parties by assigning on-call employees to the posts before allowing overtime volunteers to select their post in order of seniority? If so, what is the appropriate remedy?

AWARD:

The arbitrator, Anthony D. Vivenzio, found that the Union failed to carry its burden of proving that the Employer assigned on-call employees to fill vacancies ahead of senior employees signed up on the volunteer overtime list in violation of the CBA. The Arbitrator denied this grievance, and respectfully urges and recommends the Parties that the subject matter basing the grievances herein be the subject of bargaining as soon as practicable.