

CBCC members score victory in overtime arbitration case

Posted On: Jul 08, 2010 (10:59:26)

With a slew of arbitration wins in the last few months, your Local Union's legal team is on a roll. Since May, attorneys at Local 117 have put a halt to skimming at the Tacoma Dome and restored two employees back to work in wrongful termination cases.

At DOC, members at the Clallam Bay Corrections Center (CBCC) celebrated a legal victory of their own when an arbitrator ruled that the employer had violated the overtime provision of their collective bargaining agreement.

In the case, management directed a sergeant to attend a training before his normal shift. Instead of adjusting his schedule for the training and following the procedure for assigning overtime as outlined in the contract, management filled the sergeant's shift as straight time and paid him overtime to attend the training, thus denying overtime pay to a more senior employee.

With the help of Shop Steward Earl Richardson and Business Representative Daniel Hahn, Sergeant Danny Ahrens, a 27-year employee, filed a grievance on the issue. Ahrens argued that management failed to follow the process laid out in the CBA that would have awarded him the right to overtime pay. "This was a statewide issue that needed to be resolved," Ahrens said. "I wasn't concerned about the pay; I just felt that they needed to abide by the contract."

At a pre-arbitration review meeting (PARM), the parties were unable to resolve the matter and the case was submitted to binding arbitration. A hearing was scheduled for April 5, 2010.

At the hearing, Ahrens was impressed with the quality of his representation by Local 117 Staff Attorney, Jim Smith. "I thought the Union attorney did a really fine job. It was also great to have the additional support from my fellow Sergeants. I couldn't have done it by myself," he said.

"It was an important issue for me and the other members at our institution," added Richardson, a Sergeant who has been with the Department at Clallam Bay for 21 years. "When you put in 20-30 years you deserve to be treated fairly. The contract language was clear – it was just a question of making sure it was enforced."

The arbitrator issued his decision on June 30. He ruled that management's assignment of overtime had indeed violated Article 17 of the collective bargaining agreement. Sergeant Ahrens was awarded a make-whole remedy in the case.

"I feel pretty relieved. They've already started making changes and recognizing the positions as overtime. They're following the contract now and that's all I wanted them to do," Ahrens said.