

The Issue

The issue to be determined, as stipulated by the parties, is as follows:

What shall be the remedy in this matter, consistent with the NP-4 Contract?

Relevant Contract Language

Article 15, § 2 (Voluntary Overtime Distribution) of the parties' Collective Bargaining Agreement provides:

All employees wanting to work voluntary overtime will sign a quarterly overtime list. Overtime will be distributed in accordance with either section A. or B. below. Each facility will be allowed to vote, upon request, once each contract period on which method to use....

- A. **“Red Eight” System.** All overtime work, including overtime holdovers caused by short notice of absence, shall be distributed equally, to the extent practicable, to employees within the same job class at each institution, regardless of shift[,] who have volunteered for such overtime. Equalization shall be accomplished annually, subject to quarterly review of the overtime list by both parties....
- B. **“Sign-up Book” System.** The sign-up book will contain pages representing each day of each month, separated into three sections representing each shift worked by employees in continuous operations....

...

3) **Supervisor to Use Book.** When a Supervisor needs to fill a vacancy with overtime, he/she will refer to the sign-up book and call the staff member with the least number of overtime hours for that quarter who has signed the book for that day and shift. When additional staff are needed to fill overtime vacancies, it will be done in order from least to most overtime hours among the employees who have signed the list for that day and shift.

...

8) **Equalization.** It is understood by all parties that utilizing the sign-up book system cannot ensure equalization among all employees at the end of each fiscal year due to employees being able to choose the days they want to work overtime. However, it is also understood that the employer will make every effort to equalize overtime among those employees signing the book by offering the employees with the least number of hours who have signed up for a shift the overtime first.

Background

The grievance in the instant case was filed in April 2002, and alleged that the Employer had violated Article 15, § 2.B, by failing to offer Grievant overtime to which he was entitled under the voluntary overtime distribution system. The Union requested that Grievant be made whole and receive payment for the overtime hours he had missed. The grievance was processed according to the procedure set forth in the parties' Agreement, and at the third step of the process, the Employer sustained the grievance with regard to the asserted contractual violation. However, the Employer was not willing to grant the Union's requested remedy. The parties have therefore presented the limited issue of remedy to this Arbitrator for final resolution.

The parties have stipulated to the following facts:

1. The Grievant, Christopher Muckle, is a Correction Officer with the Connecticut Department of Correction, having been hired on December 3, 1999.
2. At all times pertinent to this matter, Officer Muckle was assigned to the J.B. Gates Correctional Institution.
3. Correction Officer voluntary overtime distribution at Gates CI, at all times pertinent to this matter, was governed by Article 15, Section 2.B. (Sign-up Book System) of the NP-4 Contract.
4. Officer Muckle had signed the quarterly overtime list for the April 1 – June 30, 2002 quarter.
5. Officer Muckle had signed up to work overtime, if available, for first shift on both April 16 and 17, 2002.
6. Overtime was available for first shift on both April 16 and 17, 2002.
7. Officer Muckle was not offered overtime on either April 16 or 17, 2002.
8. The available overtime for April 16 was given to another officer who was not on the quarterly overtime list and had not signed up for overtime on April 16. Officer Muckle would have been the next officer in order who had signed up for overtime on April 16.
9. The overtime assignment worked by the other officer on April 16 was the Admitting and Processing post which is a specialized assignment.