

INTERNATIONAL UNION OF OPERATING ENGINEERS

Craft-Maintenance Division State of California Unit 12
Locals 3, 39 & 501, AFL-CIO

Arbitrator Prihar Rules in Favor of IUOE Unit 12 on CDCR Soledad Work Jurisdiction Grievance – February 5, 2019

On February 9, 2015 IUOE Unit 12 filed a grievance on behalf of all M&SS and Warehouse Workers at CTF Soledad, citing Article 18.3 (the work assignment clause) and other provisions of the Unit 12 contract.

The stated basis of the grievance was that the Union had recently been advised that two Unit 12 workers left the warehouse and an Office Assistant and a Certified Nursing Assistant employee had been operating the warehouse and both were not Unit 12 personnel. Based on the Union's position that operation of the Medical Warehouse is Unit 12 work, the grievance was filed and later submitted to an arbitrator for a decision after the grievance was denied at the lower levels of review.

The employer claimed that it was an emergency and therefore they had a right to substitute non-Unit 12 personnel in the two vacated Unit 12 positions to perform the necessary warehouse work. The IUOE claimed that the employer failed to promptly attempt to fill the positions or to offer the work to other M&SS employees.

AWARD

On January 20, 2018, arbitrator Prihar made the following award:

1. The Employer violated Article 18.3 of the Memorandum of Understanding (MOU) when it continued to operate the Medical Warehouse without its regular Unit 12 staff.
2. The issue of remedy is remanded to the Parties to be determined by application of guidelines contained in this award. The arbitrator retains jurisdiction as to any issue attendant to the interpretation or administration of the award.

The reason we are writing about this now is because it took nearly a year to come to an agreement on the damages and the compensation award for the injured Unit 12 employees. Each injured employee will receive 19 hours of compensation at their 2015 rate of pay.

UNION STRONG!

Steve Crouch
Director of Public Employees