

C07-2007
mPR

STATE OF NEW YORK
SECURITY SUPERVISORS UNIT

LAW ENFORCEMENT OFFICERS UNION,
COUNCIL 82, AFSCME, AFL-CIO,

-and-

AWARD

NYS DEPARTMENT OF CORRECTIONAL SERVICES
(Wende CF)

Grievance: Snyder, John
OER File No: 08-61-0078
C.82 File No: C07-2007

On 10/3/08 and 10/27/08, the instant grievance was the subject of Triage review held in Albany before the undersigned Master Arbitrator, pursuant to Article 7.2(b) of the State/C.82 Agreement. The grievance was filed by the Union on behalf of John Snyder (Grievant), employed as a Correction Lieutenant at Wende CF. The Union was represented by Matthew P. Ryan, Esq., Associate General Counsel. The State was represented by Gary Simpson, Esq., Assistant Counsel, Governor's Office of Employee Relations.

The grievance alleged a violation of Article 11.6 of the State/C.82 Agreement, in that Grievant was not paid his 25 year longevity step on his 25 year anniversary date.

The record indicates that Grievant began his State employment on 9/27/82 and on 9/26/07 completed the final day of 25 years of continuous service. The Agreement provides, in Article 11.6, for a 25 year longevity step for such continuous service. The record indicates that although the next payroll period following 9/26/07 commenced on 9/27/07, Grievant did not receive his 25 year longevity step until 10/11/07.

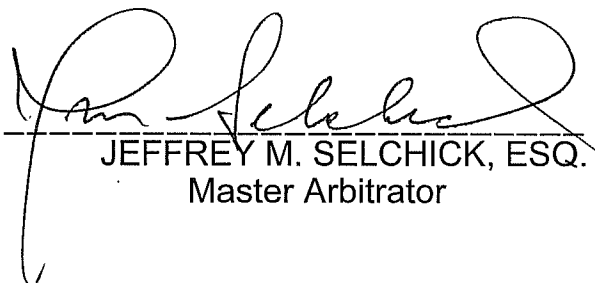
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Jim GC
Mearns RL
ESC Birder
CCB

Article 11.6 provides, in relevant part:

- (a) ...Such payment will be added to base pay effective on the payroll period which next begins following the actual completion of 10, 15, 20 and 25 years of continuous service.

Upon review, the Master Arbitrator finds that Article 11.6 is quite explicit and requires the payment of the appropriate longevity step effective on the payroll period which next begins following the actual completion of, in this case, 25 years of continuous service. As Grievant completed 25 years of continuous service on 9/26/07, the next payroll period in fact began the next day, and pursuant to Article 11.6, Grievant was entitled to be paid the 25 year longevity step effective 9/27/07. Failure to pay Grievant his 25 year longevity step effective 9/27/07 was a violation of Article 11.6 of the Agreement.

Accordingly, the instant grievance is sustained and Grievant must be paid his 25 year longevity step retroactive to 9/27/07.


JEFFREY M. SELCHICK, ESQ.
Master Arbitrator

DATED: 1/19/09