

In the Matter of the Arbitration Between

LIUNA Local 1310 :
and : AAA Case No: 14 390 00389
Luzerne County Correctional Facility :

AWARD

The undersigned Arbitrator, having been designated in accordance with the collective bargaining agreement entered into by the above-named parties, enters an Award as follows:

1. The light duty grievance filed by LIUNA Local 1310 on November 14, 2011, is denied in part and sustained in part.

2. Initially, it is noted that this Award pertains only to grievances challenging the application of the Luzerne County Correctional Facility's light duty policy. It is not intended nor should it be interpreted as applying to any dispute where state or federal statutory claims have also been raised. Those cases will be decided in accordance with the applicable statutory framework. Nor is this Award intended to interfere with the rights of any insurance carrier or self-insured entity providing workers' compensation benefits.

3. At the present time, 17 light duty positions are available at the Luzerne County Correctional Facility. Those 17 positions fall under the Control Booth Guard job description and represent 6 Control Booth Guard positions on the first shift, 6 Control Booth Guard positions on the second shift, and 5 Control Booth Guard positions on the third shift.

4. The 17 light duty positions will be available for employees separated from duty due to both work related and non-work related injuries.

5. If the 17 light duty positions are filled, no additional light duty will be granted until a vacancy occurs. Vacancies will be filled per departmental seniority.

6. Eligible employees will be assigned to a light duty position on their regularly scheduled shift unless all of the light duty positions on the employee's shift are filled. When all of the light duty positions are filled on an employee's regularly scheduled shift, but light duty positions exist on other shifts, the employee will be eligible for a light duty assignment on one of the remaining shifts based on departmental seniority.

7. Employees assigned to light duty positions as a result of a non-work related injury must provide medical documentation every thirty (30) days updating their condition, progress and expected date of return to full duty. Statements from a medical provider indicating "lifetime," "unknown" or "indeterminate" are not acceptable. Failure to provide the documentation set forth in this paragraph will result in the loss of a non-work related light duty assignment.

8. The Luzerne County Correctional Facility will restore sick days, vacation days or personal days for those employees identified at the hearing who were denied light duty assignments for non-work related injuries and were forced to use the sick days, vacation days or personal days being restored. Employees will have until April 1, 2013, to use the restored days.

9. The Arbitrator will retain jurisdiction in this matter for a period of ninety (90) days.

10. The cost of this arbitration will be divided equally among the parties.

Date:

Dec. 18, 2012

By:



Richard C. McNeill, Jr., Esquire
Arbitrator