



New York State Correctional Officers & Police Benevolent Association, Inc.

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May 21, 2009

All,

To date, I have been unsuccessful reaching an agreement with labor relations regarding incidental time off. The next step in the process will be a meeting with Dep. Commissioner LeClaire to bring resolution. The outstanding grievances that are currently filed will continue to go through the process.

I have enclosed a form grievance that I would like all affected facilities to start utilizing every time anyone is denied a incidental day. As you will see in the body of the grievance, we would like to get away from the Labor Management aspect and move toward the unreasonable denial aspect. The reason being is the negative decision we received in the Washington case regarding the administrations right to change L/M agreements. Therefore, our focus will be geared toward unreasonable denial, strictly article 14 rights. Unfortunately over the years, many facilities have entered into some less then attractive labor management agreements, thus the change in strategy. You may be asking how Oneida could make out so well and why my facility can't. The fact of the matter is Oneida had a PRACTICE for many years and never gave up that right via Labor/Management. In facilities where these L/M agreements' were entered into, the arbitrator is finding in favor of the administration regarding the policy as written or has given them the ability to change the wording to favor them.

Please pass this along to all sergeants and have them file as needed. I want to bombard the department with this grievance and hopefully force their hand. If anything it will force the arbitrator to give clear direction regarding unreasonable denial. He has been willing to say that overtime is not a reason to deny time off; we need him to take the next step and force the facilities to honor time off requests regardless of overtime. This grievance will be our remedy to do so. Included with the grievance, please forward the denied time off slip along with the supervisor's charts for the day requested. If you have any questions, please drop me an e-mail dviddivo@nyscopba.org or call me in the office. 518-427-1551 Ext. 266

Dave Viddivo
Sergeant Liaison



GRIEVANCE FORM

(Please Type or Print)

Revised: March 1, 2003

DO NOT WRITE IN THIS BOX

LOCAL Grievance Number: _____

Facility (or Agency): _____

Aggrieved Employee: _____

LOCAL Union Rep: _____

NYSCOPBA Grievance Number: **CON** _____

Phone Number/ext. _____

Date Submitted: _____

Date of Occurrence: _____

Contract Article Violation(s): Article 14, Article 27

STATEMENT OF FACTS: On the above date, my request for leave was denied. This denial is unreasonable and violates article 14, because there are resources available to the facility to cover my leave.

Further, I am permitted to accumulate vacation leave under Article 14. By denying my request for time off, the facility is interfering with my ability to accumulate and utilize vacation and/or personal leave in violation of Article 14.

REMEDY SOUGHT: Cease and desist the practice of unreasonably denying leave consistent with Article 14 and its arbitral precedent.

Aggrieved Employee's Signature: _____