

STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of Arbitration Between:

NIAGARA FRONTIER METRO

-And-

AWARD

AMALGAMATED TRANSIT UNION,
LOCAL 1342

Re: Clerical Subcontracting

Before: Dennis J. Campagna, Esq. – Arbitrator

Hearing Date: June 4, 2019

Hearing Location: NFT Metro Offices, Buffalo, N.Y.

APPEARANCES

A. For NFT Metro:

Wayne Gradl, Esq. – Counsel for NFT Metro System, Inc.
Louis R. Giardina – Manager, Labor Relations
Karen Novo – Director of H/R
David Rugg – Manager, Bus Maintenance

B. For ATU Local 1342:

Jules L. Smith, Esq. - Counsel
Jeffrey Richardson – ATU Local 1342 President
Vince Crehan – ATU Local 1342 Past President

The ISSUE (By Stipulation)

1. Did the Company violate the Collective Bargaining Agreement when it permanently removed the Unit Clerical Position held by Ms. Teresa Justinger from the bargaining unit?
2. If so, what shall the remedy be?

AWARD

Following my careful review of the record evidence, which includes the arguments of both Parties in support of their relative positions, and giving due consideration to said arguments, I hereby issue the following Award:

1. The position currently held by Shauna Sorrentino will return to the ATU bargaining unit as a Senior Clerk AAA with the following wage rate representing the 12 to 24 month step of the 48-month wage progression for this position:

Step 1 (0 to 12 mos.) -- \$20.4464

Step 2 (12 to 24 mos.) -- \$21.8094

Step 3 (24 to 36 mos.) -- \$23.1725

Step 4 (36 to 48 mos.) -- \$24.5356

Step 5 (48 mos. (full)) -- \$27.2618

2. Any future vacancies in the Senior Clerk AAA position shall be posted and filled in accordance with the Parties' CBA. The Company may post for each Senior Clerk AAA position, whenever deemed necessary.
3. Temporary absences may be filled as permitted by the CBA;
4. A second Senior Clerk AAA position shall be posted immediately for internal bidding;
5. The Company shall pay the Union dues, and the Company pension contribution due for Shauna Sorrentino retroactive to her hire date of February 26, 2018;
6. The Company shall pay the Company pension contribution on the amount paid Teresa Justinger for amounts paid her subsequent to December 31, 2018;
7. Incumbent will retain her position and her seniority date within the Collective Bargaining Unit will be from her date of hire, and
8. The Arbitrator shall retain jurisdiction to settle any disputes concerning the amounts to be paid by the Company under this Award.

So Ordered.

Dated: June 13, 2019



Dennis J. Campagna, Esq.
Arbitrator

STATE OF NEW YORK
COUNTY OF WESTCHESTER

I, Dennis J. Campagna, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument, which is my Award in the matter involving the grievance arbitration between the Amalgamated Transit Union, Local 1342 and the Niagara Frontier Transit System, Inc. regarding the Senior Clerk position held by Shauna Sorrentino as well as the placement of the Senior Clerk AAA position into the ATU Local 1342 bargaining unit.

Dated: June 13, 2019



Dennis J. Campagna, Esq.
Arbitrator