

AMERICAN ARBITRATION ASSOCIATION

Case No. 14 390 00908 09
Ralph H. Colflesh, Jr., Esquire

**COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF CORRECTIONS**

and

**PENNSYLVANIA STATE CORRECTIONS
OFFICERS ASSOCIATION**

Appearances

For the Commonwealth:

Bryan T. Oles
Commonwealth Bureau of Labor Relations
Harrisburg, Pennsylvania

For the Pennsylvania State Corrections Officers Association

Sean T. Welby, Esquire
Lightman, Welby, Stoltenberg and Caputo
Harrisburg, Pennsylvania

AWARD ON IMPLEMENTATION

This matter returns to me based upon the continuing jurisdiction I retained in my Award of May 29, 2010 dealing with "Bid Posts". In it, I directed that all posts designated with an "X" at the institutions named were to be considered "Bid Posts" as they fell within the definition set forth in the collective bargaining agreement:

A Bid Post is a Corrections Officer post that is desirable because it involves considerably reduced and/or limited inmate contact and control and consequently, involves less of the demands normally associated with exercising care, custody and/or control over inmates for an eight hour shift. Additionally, the work hours and/or days of such positions may be those typically considered

as premium (i.e. 8:00 a.m. to 4:00 p.m. Monday through Friday), but not necessarily operated on those days.

(JX-1). Upon the issuance of that Award, it was anticipated that the parties might have difficulty in its implementation. For that reason, I included a provision in the Award retaining jurisdiction to myself to assist the parties in implementing the Award.

Not long after the issuance of the Award, the Pennsylvania State Corrections Officers Association (PSCOA) requested that I exercise that retained jurisdiction and convene proceedings to address the manner in which the Commonwealth was or was not implementing the Award. Hearings were held on December 22, 2010, January 7, 2011, and March 7, 2011, at which both parties were permitted to introduce evidence and cross examine witnesses. With the agreement of both advocates, a final meeting was held on August 17, 2011 for the purpose of permitting them to summarize their positions.

There have been no objections as to either arbitrability or my exercise of retained jurisdiction. Accordingly, the matter is now ripe for disposition.

As set forth in the Award, the following posts shall be bid by seniority at all institutions; provided that each officer shall only be permitted to hold one (1) bid post, including reliefs, at any time:

- (1) All Posts which actually exist on 10 p.m. to 6 a.m. (10-6) shift with the exception of any RHU (Level 5), SNU, SSNU, MHU shall be bid. RHU (Level 5), SNU, SSNU and MHU shall not be subject to bidding.
- (2) A post as used in my award includes Relief day posts for all for those posts identified. These shall be bid except when management determines it to be necessary to fill such a post with a trainee to acquire the requisite training. Provided that relief bids shall be developed to cover multiple reliefs within the designated post. No relief bid shall be for a period of less than 2 days.

With respect to reliefs, if the duties of a relief holder are not being performed during any period of a shift, the incumbent holding the relief bid shall be reassigned as necessary for that time.

- (3) All TCU posts shall be bid at all institutions on the 10-6 shift.
- (4) Intermittent work assignments such as vehicle escort were not to be considered posts and shall not be bid under this process except through past practice or local agreement.
- (5) Since the Award expressly designated Outside Escort/Hospital posts as non-bid, any checked boxes on those were in error unless subject to bid through past practice or local agreement.
- (6) Since the Award expressly designated Transport posts as non-bid, any checked boxes on those were in error unless subject to bid through past practice or local agreement.

During the hearing process, both parties requested clarification as to institution specific posts that should or should not have been covered in my Award. In response to these requests, and based upon the evidence presented by the parties, the following positions at the following institutions meet the definition of a "bid post" set forth in the Collective Bargaining Agreement and shall be bid by seniority in addition to those checked off on the Award and not identified as in error here; provided that nothing in the Original Award, or this Award on Implementation shall require the Commonwealth to staff a position where one does not exist:

- (1) SCI Albion

Activities Officer on the 2-10 shifts
Visiting Room Officer #2

(2) SCI Mahanoy

Activities Officer on the 2-10 shift
R&D Sgt.
Strip Search
Training Sgt.

(3) SCI Chester

POC (when active)
Property Officer

(4) SCI Coal Township

Education Lobby
Compound 4, 5, 6
All Search Teams

(5) SCI Cresson

FDSCR
POC (when active)
Zone A/B Sgt
Property Officer

(6) SCI Cambridge Springs

POC (when active)

(7) SCI Fayette

Phone Officer (As part of the search team)

(8) SCI Frackville

POC (when active)
Gym Security Officer (when active)
Block Sgts on the 10-6 shift
Utility Officer on 10-6 and 8-4 shifts

(9) SCI Greensburg

The 3 Shift Sgts.

(10) SCI Green

Yard Platform Officer

(11) SCI Huntingdon

R&D Officer (when active)

(12) SCI Laurel Highlands

Phone Officer

(13) SCI Muncy

YAO on 6-2 and 2-10 shifts

(14) SCI Pine Grove

Each and every Bubble in the Institution

(15) Quehanna Boot Camp

I Unit on the 6-2 and 2-10 shifts

(16) SCI Rockview

Housing Sgt. A, BA, D, CA
Search team Officers

(17) SCI Smithfield

Med/Treatment Officer
Bubble Sergeants A-K

(18) SCI Somerset

Activities Officer
POC (when active)


(19) SCI Waymart

Relief Training Sgt
FTC on 10-6

All remaining posts identified in my Award of May 29, 2010 shall remain as bid posts unless specifically identified as errors here. All identified posts shall be bid by seniority in accordance with the terms of the collective bargaining agreement.

11/20/11

Date



Ralph H. Colflesh, Jr., Esquire
Arbitrator