

POLICEMEN’S BENEVOLENT ASSOCIATION

HUDSON COUNTY, NEW JERSEY LOCAL 109

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**LUIS A. OCASIO
PRESIDENT**

**HASSAN ESTRADA
STATE DELEGATE**

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TO: Lieutenant J. Dembowski
FROM: Officer Kevin P. Dille, 3 Year Trustee O/B/O All Members of PBA Local 109
DATE: October 08, 2012
GRIEVANCE #: C100812-1 (CLASS ACTION)
VIOLATION(S): Article XXVI Section 1. Article XXVI Section 6.

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On July 23rd, 2012, Arbitrator Susan Osborn issued her Interest Arbitration Opinion and Award to initiate a successor agreement between PBA Local 109 and the County of Hudson, now known as The Collective Negotiations Agreement.

Article XXVI Section 1 was modified to include each bargaining unit member with a 40 minute meal period. Accordingly, **Article XXVI Section 6** was modified to require the County of Hudson to compensate members of the bargaining unit at time and one half of overtime for this 40 minute meal period if they are required to work during their meal period.

Since July 23rd, 2012, the County of Hudson Department of Corrections Administration failed to honor this modified provision either knowingly or willingly by failing to notify and/or ensure that their respective designees, (Unit Managers, Officer’s In Charge, and First Line Supervisors) were providing their officers under their command a 40 minute meal period.

It was incumbent upon the County of Hudson Department of Corrections Administration to allocate and deploy adequate manpower to achieve this new modified provision.

As bargaining unit members are prohibited from leaving the facility grounds for their meal periods, it was incumbent upon the County of Hudson Department of Corrections Administration to modify the hours of operation of the Employee Dining Room and Food Service Vendor contracted by the County of Hudson to achieve this new modified provision.

The County of Hudson Department of Corrections Administration failed to ensure that members of this collective bargaining unit were compensated for 40 minutes of overtime since the date of this award, while assigned to satellite details (i.e. hospital details, outside work details, etc) for being required to work during their meal period.

PBA Local 109 bargaining unit members are required to remain in full uniform, exhibit and exercise their job duties/authority, and respond to emergency situations during their meal periods.

Remedy Sought: 1.) Forty (40) minutes of overtime pay at the rate of time and one-half for each bargaining unit member on-duty, on each tour of duty, from July 23rd, 2012 until present and future dates to be determined (when rectified).

2.) County of Hudson Department of Corrections Administration takes appropriate action to ensure adequate manpower and coverage is deployed to relieve each bargaining unit member for a 40 minute duty-free meal period as entitled to under this section of Collective Negotiations Agreement.

3.) The hours of operation of the Employee Dining Room and Food Service Vendor is modified to allow sufficient time to achieve this provision of the award and allow the members of this bargaining unit to take advantage of their 40 minute duty free meal period since they are prohibited from leaving the facility grounds.

4.) Reasonable attorney fees associated with litigating and/or enforcing the award.