

least senior people.⁷ Further, bidding only as a position becomes vacant will result in the least disruption to the continuity of supervision, which the Director has worked hard to foster by implementing the Unit Management model.

I therefore, award the following contract language to replace Article XXIII, Section 3⁸:

For purposes of this section, "tour" shall be defined as the specific days on/days off (RDO's) of a position. Whenever a position becomes vacant, the County will determine whether to fill that position, and will set the RDO's for the position. The tour (with RDO's) will be posted and officers will be permitted to submit a bid for the tour. The assignment to the tour will be based on seniority, unless, in the sole discretion of the County, it is determined that particular skills, expertise, training or other necessary skills for the assignment are needed.

The employer will have sole discretion to assign the employee to any post/assignment in the Correctional Department it deems necessary and appropriate, provided the employee's selected RDO's are maintained. Further, it is recognized that from time to time, the Employer may change an employee's post and/or RDO to accomplish training needs. A minimum of five (5) days' notice will be given to any employee whose tour (RDO) is being changed.

ARTICLE XXIV, HOURS AND OVERTIME

Section 1 currently provides,

The work day shall consist of eight (8) and one

⁷ The SOA's proposal to open the entire bargaining unit to a simultaneous annual bidding is what concerned me most about awarding the proposal in the SOA unit.

⁸ I note that the parties will need to update the language in Section 2 of this Article as much as the language concerning the 4/2 schedule no longer applies.

quarter (1/4) (including lineup) consecutive hours in a twenty-four (24) hour period, or in cases of an emergency, as determined by the Director or his designee.

The PBA proposes to insert in Section 1,

. . . inclusive of a paid 45-minute paid lunch period and two 10-minute breaks."

Ocasio testified that it is extraordinarily difficult for unit members to eat lunch in the half-hour that they are currently allotted. Ocasio explained that unit members may either bring their lunch to work or eat a meal provided by the Correctional Facility. If an officer brings his or her lunch, he or she must retrieve it from their vehicle and then return to the facility to eat it.

Ocasio further testified that officers electing to eat the lunch offered by the Correctional Facility do not have enough time in the thirty-minute lunch period to walk from their post to the dining area, wait for their food to be prepared and then eat their lunch. Officers are therefore faced with the option of eating too quickly or not eating at all. The PBA asserts that neither option is optimal for employees that are on their feet all day interacting with inmates. Corrections officers that have a reasonable amount of time to eat lunch will be in the best position to perform their jobs at a high level. Accordingly, the PBA argues that it is in the interest and welfare of the public to allow its unit members an extra fifteen

minutes to eat lunch as part of their eight hour and fifteen minute day.

The PBA also seeks two ten-minute paid breaks. As set forth above, corrections officers have a difficult job. The PBA states that officers must maintain focus throughout their entire shift in order to identify and defuse problems in the Correctional Facility. It contends that short breaks will allow PBA unit members a brief respite during the day, which will in turn allow them to maintain their focus throughout the remainder of their shift. These breaks are likely to increase officer productivity and possibly prevent some assaults and accompanying injuries. This will, in turn, reduce officer absences.

According to the PBA, awarding this proposal will also require changes to Article XXIV, Section 6. Currently, this provision states: "Members of the unit shall be paid at the rate of time and one-half for one-half hour of their lunch period if they are required to work during their lunch break". The PBA has proposed that officers be paid overtime if they are required to work during their forty-five (45) minute lunch break or their ten minute breaks. This proposal corresponds with the above proposal to add two ten-minute breaks and lengthen an officer's lunch to a reasonable time period. The PBA argues that the Arbitrator must award this proposal.

The County contends that the PBA's proposal to increase

paid lunch and break times should not be awarded. The County presented evidence of its efforts undertaken to assist correction officers. First, Aviles testified that in 2011, the County expended \$1,000,000 to hire officers solely as "relief officers." It also provides an Employee Dining Room ("EDR") with food, serviced by an outside vendor. Ocasio testified that it takes "a few minutes" to get to the EDR from most assignments with the facility. The County contends that, the PBA has not provided sufficient evidence to increase paid lunch and break times.

I find that the PBA's proposal of 15 additional minutes for lunch and two 10-minute breaks daily would result in 175 additional minutes a week of time the officer would be not on his assigned post. This is 175 minutes that the County must cover the post with relief officers. Officers are currently "on post" for a total of 465 minutes daily [7 $\frac{3}{4}$ hours (excluding 30-minute lunch) x 60]; the proposed reduction of 35 minutes is 3 additional hours a week of reduced time on post. This proposal is excessive and cannot be awarded.

On the other hand, correction officers work a stressful job and deserve adequate time away from the inmates to have lunch. This is no doubt the reason the County provides an employee dining room. Ocasio testified that it takes a "few minutes" to walk to the facility, and employee must then wait for their food

to be served, leaving little time to eat. I am sympathetic to this concern. Accordingly, my award will extend the lunch period by 10 minutes to 40 minutes daily, and will amend the overtime clause accordingly. The proposal to add two ten-minute breaks is denied.

Overtime Shift Splitting:

Section 5 of this Article presently provides,

Officers shall be called in for overtime according to a list in order of seniority. The County may assign overtime on a mandatory basis in the event an insufficient number of officers respond to calls made pursuant to the preceding sentence.

The PBA seeks to add to Section 5:

Mandatory overtime shifts can be split in to two equal portions if the affected officer agrees to the split.

The PBA argues that, currently, superior officers are permitted to split mandatory overtime shifts so that officers are not "stuck" for more than four hours. The PBA points out that such a compromise is a no-cost benefit to corrections officers, as they will not be required to work sixteen (16) hours straight. This will reduce officer fatigue and the likelihood that an officer is injured. The PBA maintains that fewer injuries result in less time lost from work. Aviles testified that he had no particular objection to this proposal. Accordingly, the PBA argues this proposal is in the interest and