

***AFSCME Council 24***  
**WISCONSIN STATE EMPLOYEE UNION, AFL-CIO**  
*Arbitration Award Summary*

<b>WON:</b>		<b>CONTRACT</b>	1995-97
<b>LOST:</b>	<b>XXX</b>	<b>CASE NO.:</b>	15018
<b>SPLIT:</b>		<b>VOLUME:</b>	11-31
<b>ISSUE:</b>	PRORATION OF PERSONAL HOLIDAYS	<b>PROVISIONS:</b>	ARTICLE XIII, SECTION 9
<b>ARBITRATOR:</b>	GRENIG	<b>LOCAL:</b>	1218
<b>HEARD:</b>	1/7/99	<b>BARG. UNIT:</b>	TECH
<b>AWARD:</b>	1/19/99	<b>EMP. UNIT:</b>	DNR

This case was heard under the expedited arbitration procedure contained in the Agreement and is, therefore, non-precedential.

In the 1973-75 collective bargaining agreement, the parties agreed that permanent employees would receive two non-cumulative personal holidays each calendar year. In the 1985-87 agreement, the number of personal holidays was increased to three. In the 1987-89 agreement, language was included which dealt with the proration of legal holidays and annual leave. In 1996, local 1218 filed a union grievance stating that there was no provision in the collective bargaining agreement which allowed proration of personal holidays.

The Employer argued that there was a long-standing practice of prorating personal holidays. According to the Employer, although the Union was aware of this practice it never challenged it.

The Union argued that had the parties intended to include personal holidays in the proration language, they would have written the contract differently. All employees were entitled to twenty-four hours of personal holiday under the contract.

The Arbitrator found that, on the one hand, the express provisions regarding prorating other types of benefits suggested that personal holidays should not be prorated. On the other hand, the record indicated that proration had been a consistent practice of the Employer for more than a decade without challenge. Accordingly, the Arbitrator found that the long-standing practice of prorating personal holidays with respect to part-time and seasonal employees was the proper interpretation of the language.

The grievance was denied.