

## Vermont Labor Relations Board

GRIEVANCE OF	}	
	}	
PAUL DeFLORIO, FRANCES S. GIBSON,	}	DOCKET # 77-47S
	}	
TIMOTHY A. PIOLI and DAVID RYAN	}	

### FINDINGS OF FACT, OPINION AND ORDER

#### Statement of Case.

This matter came before the Board on the Stipulation of Settlement dated 19 September 1977 and filed the next day. The original grievance was filed on 20 April 1977, and sought redress for rights with reference to compensatory time in lieu of cash overtime. On 25 May 1977 the State of Vermont filed a Motion to Dismiss based on Section 1332.2 of the Regulations of the Department of Social Welfare for Personnel Administration. The matter was set for hearing on 23 September 1977, but the hearing was rendered unnecessary by the filing of the Stipulation.

#### Findings of Fact.

1. On 20 April 1977 a grievance was filed by certain employees of the Department of Social Welfare requesting the rescission of Department policy relating to compensatory time.

2. The parties agree that the applicable provisions are contained in the Non-Management Agreement between Vermont State Employees' Association, Inc. and the State of Vermont, Article 14, Section 6, Paragraph 3.

3. Since the date of the filing of this grievance, the Department of Social Welfare has rescinded its former policy. As a result, as of

the date hereof, employees, including the grievants, can now take advantage of the new "compensatory time" provisions.

4. The matter is now moot.

Conclusions of Law and Opinion.

Almost the identical facts were considered by this Board in the Grievance of Herbert A. Clogston, Docket #77-238. The issue of compensatory time is directly related to overtime pay. Section 1332.2 of the Regulations of the Department of Social Welfare for Personnel Administration state as follows:

"Compensatory time, in lieu of overtime pay, shall be granted upon request of the employee and with the approval of the supervisor. It shall be the normal policy of the department, however, to compensate for overtime work with cash."

These employees claim that they have a right to overtime payments in cash rather than an opportunity to request overtime payments in cash, subject to the approval of the supervisor. The alternative is time off, or compensatory time. Since the matter has now become moot, as a result of a Memorandum dated 19 April 1977 from Grant D. Taylor, Personnel Administrator of the Department of Social Welfare, the Board will accede to the wishes of the parties.

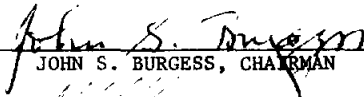
ORDER.


NOW, THEREFORE, it is hereby ORDERED that the grievance be, and it hereby is, DISMISSED.

Dated at Montpelier, Vermont this 30th day of September, 1977.

VERMONT LABOR RELATIONS BOARD

By

  
JOHN S. BURGESS, CHAIRMAN

  
WILLIAM G. KENSLEY, SR.

  
ROBERT H. BROWN