

## MORIARTY AWARD SUMMARIES

	DATE ISSUED	INDUSTRY	NATURE OF GRIEVANCE	DISPOSITION	DECISION SUMMARY
24	6/27/2026	State Government	Misclassification  Compliance with Timelines	Denied  Granted	Union did no demonstrate that employees were performing functions of a higher-rated classification.  Employer's indifference to grievance procedure's timelines is remedied by compensating Grievant and Union (~\$1,500.00) for time spent to get Employer's grievance response and for repairing reputational harm to Union.
23	3/11/2026	Healthcare	Premium Pay - Failure to Pay "work on day off" Incentive	Granted in Part, Denied in Part	Employer violated the "Work on Day off" CBA provision when it failed to pay nurses incentive after they satisfied conditions-precedent for the incentive. Plain language and bargaining history showed parties agreed that part-time nurses could split incentive shifts to satisfy prerequisites and full-time and part-time employees could make up lost hours on day-off shifts. Employer ordered to pay retroactive pay to affected employees.
22	2/10/2026	K to 12 Education	Discharge for Positive Drug Test; Notice of Rule; Progressive Discipline	Denied	Employer had just cause to dismiss dispatcher who tested positive for cocaine even though there was no evidence that usage was at work or that the dispatcher was impaired at work. Dispatcher's safety-sensitive position was responsible for directing bus traffic and troubleshooting issues in the field. Though the Employer was required to apply principles of progressive discipline, dispatcher's refusal to accept or recognize the seriousness of the misconduct gave the Employer cause to dismiss for first violation.
21	2/2/2026	K to 12 Education	Failure to Rehired to Extra-duty Position	Denied	Grievant was entitled to first consideration for rehire to extra-duty position, but the Employer could consider past behavior and misconduct revealed in Title IX investigation to exclude him from consideration.



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20	1/20/2026	Steel Manufacturing	Fraud in Connection with FMLA Leave	Denied	Employer proved that related employees with anxiety and stress disorders misused their entitlement to intermittent FMLA leaves and engaged in leave fraud, which justifies discharge regardless of employees' length of service.
19	12/12/25	Local Government	Substantive Arbitrability  Preclusive Effect of Prior Award	Denied	Grievance was substantively inarbitrable where side letter agreement over COVID-19 emergency explicitly excluded dispute arising from its application from grievance procedure. Arbitrator was not bound by prior contrary Award that was found to be clearly erroneous.
18	10/31/25	Aerospace	Pre-award Interest on Backpay	Denied	Grievant was not entitled to an award of interest on backpay where collective bargaining agreement did not provide for such an award and there was no exigent circumstances to justify it. Arbitrator cautions parties that the consensus view of pre-award interest is evolving and that they should not rely on the lack of language or exigent circumstances as a basis to deny interest in the future. The clear trend is to consider pre-award interest as an essential element of make-whole relief.
17	10/24/25	Auto Manufacturing	Discharge for Insubordination	Denied	Employer demonstrated that Grievant was insubordinate. Grievant's claims that (1) she felt unsafe and therefore was justified in refusing to comply with order and (2) she did not understand the consequences of her refusal to comply were not credible.
16	9/19/25	Labor Organizations	Substantive Arbitrability	Denied	Grievance was substantively inarbitrable when discipline was removed from Grievant's record due to passage of time, thereby rendering the grievance moot.
15	8/15//25	Aerospace	Discharge for Production Sabotage	Granted	Employer lacked just cause to dismiss Grievant when it did not meet burden of proof that Grievant sabotaged production of priority job.



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14	6/20/25	K to 12 Education	Resignation	Granted	Employer violated the collective bargaining agreement when (1) Employer unilaterally processed voluntary resignations for Grievants without their consent, (2) Grievants had not submitted resignations, (3) Grievants' employment at other schools was irrelevant as their employment at those schools did not commence for several months, and, (4) state law did not require the Grievants to submit resignations for several more weeks.
13	5/00/25	Aerospace	Entitlement to Attend Arbitration Hearing	Denied	Grievant's attorney who was representing Grievant in a related civil action was not entitled to attend arbitration hearing where employer did not consent to attendance.
12	10/23/23	Law Enforcement & Public Safety	Discipline	Granted in Part & Denied in Part	<p>Employer had just cause to discipline two officers for "failure to take reasonable action when required to do so" in connection with the involuntary transfer of a minor to a custodial parent when (1) court order required only that the Officers serve the order directing non-custodial parent to bring the minor to a police station at a designated date and time and (2) Officer instead effectuated the transfer before the designated date and time causing a confrontation with the non-custodial parent, his spouse and the minor.</p> <p>29-day suspension was arbitrary and excessive where (1) Officers were acting at the direction of two (2) supervising Sergeants, one of whom was suspended for 5 days and the other of whom was not disciplined or investigated (2) Officers' interaction with non-custodial parent and spouse while imperfect was not unreasonable under all the circumstances.</p>
11	6/6/2023	Law Enforcement & Public Safety	Discipline for Attendance	Denied	Employer had just cause to issue written reprimand to officer who failed to comply with policy that required her to call in absence an hour before her start time when she had been previously warned about noncompliance.



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10	6/6/2023	Law Enforcement & Public Safety	Discipline for Attendance	Denied	Employer had just cause to issue written reprimand to Officer who failed to follow policy that required him to call in absences an hour before start time. Employer was not required to counsel Officer again even though last counseling occurred six years ago.
9	6/6/2023	Law Enforcement & Public Safety	Discipline for Attendance	Granted in Part & Denied in Part	Employer had just cause to discipline Officer who violated attendance policy on multiple occasions. But Employer failed to follow its progressive discipline policy; therefore discipline is modified as follows: (1) counselling for first two infractions; (2) written reprimand for third infraction; and (3) one day suspension for fourth infraction.
8	6/6/2023	Law Enforcement & Public Safety	Discipline for Attendance	Granted	Employer failed to establish that Officer was not at home when she called off sick.
7	6/6/2023	Law Enforcement & Public Safety	Discipline for Attendance	Granted in Part, Denied in Part	<p>Employer did not have just cause to discipline Officer who did not report COVID-19 testing to Human Resources Department. Employer's policies did not require such a report and Officer otherwise complied with Employer's attendance policy.</p> <p>Employer did have just cause to discipline Officer who took unpaid time off without a leave of absence but discipline is reduced to a written reprimand</p>
6	6/6/2023	Law Enforcement & Public Safety	Discipline for Tardiness	Granted in Part, Denied in Part	<p>Employer had just cause to discipline Officer for excessive tardiness, but discipline imposed was arbitrary because Employer did not apply tardiness policy uniformly. Specifically with respect to how many occurrences within a defined period would trigger discipline.</p> <p>While the tardiness policy did not have strict regimen for progressive discipline, the progression in the analogous absenteeism policy should be applied. Accordingly, discipline was reduced to a written reprimand</p>



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5	6/6/2023	Law Enforcement and Public Safety	Discipline for Tardiness	Granted in Part and Denied in Part	<p>Officer's 1 and 3-day Suspensions are reduced to a written reprimand and a 1-day Suspension for Excessive Tardiness but Officers 3-day and 4-day suspension for excessive tardiness stand.</p> <p>The 1 and 3-day suspension did not comply with the CBA's progressive discipline requirements.</p>
4	6/6/2023	Law Enforcement and Public Safety	Discipline for Absenteeism	Granted	<p>Employer's reprimand of Officer was not for just cause where Officer had been approved for intermittent FMLA leave to care for ill spouse. Officer did not designate her absence as FMLA-related because the Employer did not notify her that her intermittent FMLA leave had been approved.</p>
3	6/6/2023	Law Enforcement and Public Safety	<p>Arbitrability</p> <p>Discipline for Absenteeism</p>	Denied	<p>Employer's counselling of Officer is a grievable event where the Employer's policy characterizes it both as pre-discipline or as the first step in the disciplinary process.</p> <p>Employer's counseling of Officer who was absent was reasonable and, if disciplinary, for just cause.</p>
2	6/6/2023	Law Enforcement and Public Safety	Discipline for Absenteeism	Denied	<p>Employer had just cause to discipline officer whose absences violated Employer's absenteeism policy even if Officer was ill.</p>
1	6/6/2023	Law Enforcement and Public Safety	Discipline for Absenteeism and Leaving Early	Granted in Part and Denied in Part	<p>Employer had just cause to discipline Officer whose absences violated Employer's absenteeism policy even if Officer was mistaken about the amount of time remaining in his sick leave bank.</p> <p>Employer did not have just cause to discipline Officer who left early after obtaining verbal permission to do so and after notifying relevant supervisors when timekeeping system had no mechanism for obtaining permission to leave early.</p>

