



2553 Dulles View Drive, Suite 700  
Herndon, VA 20171

February 4, 2020

To: Frances Robicheau  
Through: Zachary Knipe, UE International Representative

From: William R. Yates, Program Manager, LDRM  
Re: Response to Step Three (3) Grievance# 16112020 – Robicheau

This Step Three (3) grievance was discussed with Zachary Knipe, UE International Representative on February 01, 2021 during a telephonic meeting.

The substance of the Step Three (3) grievance is that Ms. Robicheau received an annual vacation allotment in the amount of 45.18 hours. It is undisputed that Ms. Robicheau is scheduled to work 29 hours weekly and that she possesses over 20 years' service on the VSS Contract. She contends that the pro-rated formula is not a valid calculation of vacation time and that she is eligible for 113.8 hours of vacation based upon her length of service and work schedule of 29 hours per week.

Article 28 of the CBA provides that at the end of the tenth year of service employees become eligible for 160 hours of vacation time annually. Mr. Knipe argued that LDRM incorrectly calculated her annual allotment of vacation hours based upon a pro-ration of hours actually worked during the year immediately prior to her vacation allotment as opposed to calculating her allotment based upon her schedule of the past four years which is 29 hours weekly. Mr. Knipe argued that the pro-ration of vacation time was calculated incorrectly. In his view it should have been pro-rated based upon the scheduled work hours.

In considering this matter the following items were considered: the CBA, the LDRM Employee Handbook, and Executive Order 13706. Article 28 of the CBA provides that at the end of the tenth year of service employees become eligible for 160 hours of vacation time annually. In addition, Article 28 provides in part; "Part time employees shall earn vacation as per the schedule below but on a pro-rated basis." The reference to the schedule below is a table which indicates that at the end of the tenth (10th) year employees shall earn 160 hours annually.

Frances Robicheau's vacation allotment was calculated based upon the actual average hours worked for the immediate prior year at the time of her service anniversary. It is also not disputed that this method of calculation resulted in a substantially lower vacation allotment than would have been allotted had the calculation used scheduled hours as opposed to hours actually worked. The formula used was:  $(\text{Hours worked at time of anniversary} / \text{hours FT EE worked}) \times \text{annual leave}$ ,  $(587.37 \text{ hours worked} / 2080 \text{ hours in a workyear}) \times 160 = 45.18$ . This was the amount received.

While Article 28 is silent on the pro-ration method to be used, LDRM does not use an hours' actually worked formula for full-time employees, but instead allocates vacation hours based upon the scheduled hours of the full-time employee. Applying an hours' worked formula for part-time employees creates a disparity in treatment between part-time and full-time employees beyond the intended pro-ration agreement in the CBA.

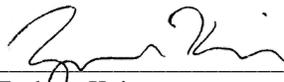
Based upon the arguments presented by Mr. Knipe and a thorough review of the applicable policies and language in Article 28 of the CBA, the Step 3 Grievance is granted, in part. Although the arguments of the UE overcame the reasons for the reduced vacation allotment, we do not see how the UE arrived at a remedy of an additional 68.62 hours. Working 29 hours weekly Ms. Robicheau

appears to be entitled to a proration equal to .725 of 160 hours, or 116 hours as opposed to the 113.8 hours calculated by the UE.

The following grievance is settled without prejudice to either party. This decision will be applied to similar cases involving annual leave and sick leave calculations for part-time employees. Employees negatively impacted by LDRM's prior calculation methodology will have their vacation and/or sick leave calculations amended to comply with this settlement.

  
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William R. (Bill) Yates  
LDRM Program Manager

Date: 2/4/2021

  
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Zachary Knipe  
UE International Representative

Date: 2/4/2021