

rains or when flood gates are lifted. While filling sand bags may be done by bargaining unit members, it is not exclusively their work. No one would seriously argue that during the flood in the summer of 1993, bargaining unit members would have to be called first before all the able-bodied people in the town were able to fill and place sand bags. Even if the sand bagging work were deemed to be bargaining unit work, exceptions may apply in special circumstances.

Whether or not the flooding in September of 1992 was deemed an emergency at the moment it occurred is irrelevant. The County acted reasonably without violating the contract where sand bagging needed to be done within a short amount of time. A special need or circumstance existed which allowed the County to take the action it took. The County has the right to take action to prevent high water problems from becoming larger emergencies.

Some bargaining unit members did work. Employees sign up for overtime work if they are interested in getting some. but the labor contract does not state how overtime is to be distributed, whether by seniority or an equalization system. There is no contract violation where the County did not call those who signed up to show their interest or availability for overtime under these circumstances.

AWARD

The grievance is denied.

Signed this ____ day of November, 1993, at Elkhorn, Wisconsin.

By _____
Karen J. Mawhinney, Arbitrator

