

BEFORE THE ARBITRATOR

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In the Matter of the Arbitration of a Dispute Between

**LABORERS' LOCAL UNION 392**

and

**SPANCRETE INDUSTRIES, INC. (Waukesha)**

Case 16  
No. 62307  
A-6064

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Appearances:

Previant, Goldberg, Uelmen, Gratz, Miller & Brueggeman, S.C., Attorneys at Law, by **Attorney Matthew R. Robbins**, P. O. Box 12993, 1555 North Rivercenter Drive, #202, Milwaukee, Wisconsin 53212, appearing on behalf of the Union.

Gill & Gill, S.C., Attorneys at Law, by **Attorney Gregory B. Gill** and **Patrick P. Gill**, 128 North Durkee Street, Appleton, Wisconsin 54911, appearing on behalf of the Company.

**ORDER DENYING MOTION FOR RECONSIDERATION**

On January 26, 2004, I issued the following Award:

The instant grievance is sustained in part and denied in part. The Company is ordered to make James Hood whole for all wages and benefits lost as a result of his layoff.

To resolve any questions that may arise over application of the remedy portion of my Award, I shall retain jurisdiction for at least sixty (60) days. (Emphasis added).

On February 9, 2004, the Company filed a Motion to Reconsider my decision as it pertained to the issue of the Company's retention of Kevin Jacques (a foreman) over a more senior employee.

On February 13, 2004, the Union responded by stating:

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In any case, it is our position that you are without authority to “reconsider” your decision. You retained jurisdiction solely with respect to remedy issues. In this case, that is limited to the amount of back owed the affected employee.

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I retained jurisdiction only over the “remedy” portion of the Award. Based on same, and the Union’s objection to “reconsideration” of my decision, the Motion of the Company is denied.

Based on all of the foregoing, it is my

**ORDER**

The Company’s Motion to Reconsider the Award is denied and the matter is dismissed.

Dated at Madison, Wisconsin, this 23rd day of February, 2004.

Dennis P. McGilligan /s/

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Dennis P. McGilligan, Arbitrator

