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Town of Babylon v. Carson

Supreme Court, Appellate Division, Second Department, New York - November 27, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 07980

Town commenced proceeding to vacate arbitration award which reduced penalty it had imposed upon an employee. Union and employee cross-petitioned to confirm the award.

The Supreme Court, Appellate Division, held that arbitrator lacked authority to reduce penalty.

Collective bargaining agreement (CBA) only empowered arbitrator to provide employee with remedy upon finding that imposition of discipline was not founded on just cause, and thus, arbitrator lacked authority to reduce penalty after finding just cause. Moreover, stipulation that arbitrator would determine whether hearing officer had considered progressive discipline in course of imposing initial penalty did not confer upon arbitrator independent power to reduce penalty imposed.

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