

What happens when union and employer disagree over what the arbitrator meant?

Q. Our company has a union, and we recently lost a case in arbitration. The company and the union disagree on what the arbitrator held, and what is required of the company because of the award. The union is threatening to file unfair labor practice charges if we don't implement the award as they interpret it. What do we do now?

A. First, the National Labor Relations Board (NLRB) will most likely not get involved. Since arbitration is a matter of contract, the NLRB takes the position that the union can ask a court to enforce an award.

Assuming the company and the union can't agree on what is required, my recommendation is that you implement the arbitrator's decision as you interpret it.

It is unlikely that the union will take the case to court, but it is possible. The union is more likely to ask the arbitrator to clarify the award—which raises the question of whether the arbitrator has retained jurisdiction over the case. The union may have to file a new grievance.