**Kaleo Gates v Nebraska Department of Correctional Services** (FOP) The Appellant filed a grievance in regards to Section 11.2 of the Labor Contract between the State of Nebraska and FOP, #88.  The Appellant claimed that he was not given a 0.25% salary increase as directed in Section 11.2.  July 1, 2018 was the Appellant’s five–year continuous service anniversary.  The Respondent interpreted Section 11.2 to mean that an employee had to attain five or more years of service before July 1, 2018.  The parties agreed to designate J.L. Spray as Arbitrator, and a hearing was held in accordance with the 2019-2021 State of Nebraska and FOP, #88 Labor Contract.

The Arbitrator found that the operative portions of Section 11.2 have three requirements for the 0.25% increase.  First, the employee must have attained five or more years of service as of July 1, 2018.  Second, the employee cannot yet have attained one of the continuous service anniversary dates during the fiscal year preceding July 1, 2018.  Third, the employee must have had at least satisfactory performance reports during the preceding five–year period.  The Arbitrator found that the Appellant met each of these requirements, and therefore, the Nebraska Department of Correctional Services violated Section 11.2 of the Labor Contract.  The grievance was affirmed.