

Case No. S. Ct. Civ. No. 2019-084

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

UNITED STEELWORKERS (USW), AFL-CIO CLC LOCAL UNION 9489,
Appellant,

v.

VIRGIN ISLANDS PORT AUTHORITY,
Appellee.

**On Appeal from the Superior Court of the Virgin Islands
Division of St. Croix**

Super, Ct. Case No. 322/2017

**REPLY BRIEF OF APPELLANT
UNITED STEELWORKERS (USW), AFL-CIO CLC
LOCAL UNION 9489**

Michael J. Sanford, Esq.
VI Bar No. 88
Attorney for Appellant
2191 Church Street
Christiansted, VI 00820
Telephone: (340) 773-3681
Email: mike@saastx.vi

TABLE OF CONTENTS

	Page No.
Argument	1
Certificate of Bar Membership	3
Certificate of Compliance	3
Certificate of Service	3

ARGUMENT

Appellee VIPA incorrectly states that “[t]he Appellant does not challenge the Superior Court’s finding that the Arbitrator’s Award must be vacated because the Arbitrator exceeded his authority.” (Appellee’s Brief at 12). This statement grossly misrepresents the basis for Appellant USW’s appeal and the prior briefings to this Court. The USW properly appealed the Superior Court’s determination that the Arbitrator exceeded the authority under the CBA, as well as its holding that the Arbitrator’s decision was in “manifest disregard” of a state statute. Appellant’s brief to this Court, filed on April 24, 2020, includes a Section D, titled “The Arbitrator’s Award Must Be Upheld As It Was Properly Based on His Construction of the Contract.” (Appellant’s Brief at 23-29). That section argued that nothing in the Arbitrator’s decision exceeded his contractual authority, and that the entirety of the Award was “based on his interpretation of the CBA and its incorporated statutory language.” (Appellant’s Brief at 29). In particular, the USW’s brief made the case that the remedy ordered by the Arbitrator in this matter is within the authority granted by the parties to fashion a make-whole remedy for a breach of the CBA. (Appellant’s Brief at 25-26).

The USW Appellant Brief concluded by specifically requesting that this Court “overturn the Superior Court’s holding that the remedy fashioned by the Arbitrator for VIPA’s procedural and substantive CBA violations *exceeded*

07/17/2020

VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

contractual authority and/or shows a manifest disregard for the Virgin Island Donated Leave Statute.” (Appellant’s Brief at 30) (emphasis added).

It is unclear why Appellee VIPA chose to misread Appellant’s submissions to this Court so egregiously, and to erroneously assert that the USW did not challenge the Superior Court’s finding that the Arbitrator exceeded his authority. Nevertheless, because the USW clearly and extensively challenged that finding, this Court should disregard Appellee’s request that the Superior Court decision be upheld on that basis.

Appellant USW properly appealed the Superior Court’s holdings that the Arbitrator’s rulings exceeded his authority under the parties’ CBA, and that his Award was in ‘manifest disregard’ of a statute. The USW properly requested that this Court preserve the Superior Court’s holding that the Arbitrator’s finding that VIPA violated Section 5.10 of the CBA must not be disturbed, and additionally requested that, *contra* the Superior Court, this Court defer to and uphold the remedy awarded by the Arbitrator for that violation.

The remainder of the arguments in Appellee’s brief has been addressed in Appellant’s brief on appeal.

07/17/2020

VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

Certificate of Bar Membership

The undersigned certifies that he is a member in good standing of the Bar of this Court (V.I. Bar No. 88).

/s/ Michael J. Sanford

Michael J. Sanford

Certificate of Compliance

This Brief, consisting of 406 words, complies with Rule 22(f), Virgin Islands Rules of Appellate Procedure.

/s/ Michael J. Sanford

Michael J. Sanford

Certificate of Service

The undersigned certifies that Appellee will be e-served automatically with a copy of the foregoing Brief of Appellant and Joint Appendix.

Vincent F. Frazer, Esq.
Virgin Islands Port Authority
P.O. Box 301707
St. Thomas, U.S. Virgin Islands 00803
Attorney for Appellee

/s/ Michael J. Sanford

Michael J. Sanford