

ARBITRATOR: R.G. Stein

HEARING DATE:

7/23/99

GRIEVANT: Amy Walker

GRIEVANCE #: 27-05-990125-0604-A-03-5

DEPARTMENT: DR & C

UNION: OCSEA

MANAGEMENT
ADVOCATE: Ted DyrdekUNION
ADVOCATE: Dave Justice

3 day suspension

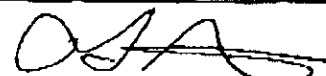
AWARD

Grievance Sustained. The Grievant shall receive 3 days pay and this discipline shall be removed from her record.

See attached.

ISSUED AT: CRC

DATE: 7/23/99

ARBITRATOR'S
SIGNATURE:

3/16/99

Gr. # 27-05-990125-0604-01-03 Amy Walker

Grievance sustained

The Employer violated Article 24.04 of the CBA when it did not reschedule Pre-Disciplinary hearing of the Grievant, unreasonably denying her an opportunity to respond to the Employer's charges. The Department erred when it assumed Ms. Walker was asking for a second rescheduling of her hearing from the September 8, 1998 date. The first hearing was scheduled on September 4, 1998. This was a vacation day for Ms. Walker. Ms. Walker testified she did not asked to have the September 4th Pre-D. hearing rescheduled. The Department's witness did not refute the Grievant's statement. The Employer rescheduled the hearing and it was to be held on September 8th. Ms. Walker stated she informed the LRO of her brother's serious illness and her need to reschedule the September 8th hearing. The LRO did not refute the fact this request was made. Furthermore, the Department's witness testified under cross-examination that the Grievant's brothers serious illness represented "extenuating circumstances" as defined in Article 24.04.

ARBITRATOR: R.G. Stein

HEARING DATE: 7/23/99

GRIEVANT: Amy Walker

GRIEVANCE #: 27-05-990203-0607-01-03 S

DEPARTMENT: DR & C

UNION: OCSEA

MANAGEMENT
ADVOCATE: Ted DyrdekUNION
ADVOCATE: Dave Justice

5 day suspensions

AWARD

Grievance denied in part and sustained in part. 5 day suspension to be reduced to 3 days for Rule 2c violation only. Grievant to receive 2 days back pay.

See attached.

ISSUED AT: CRC
DATE: 7/23/99ARBITRATOR'S
SIGNATURE: 

Gr. # 27-05-9900203-0607-01-03 Amy Walker

Grievance denied in part and sustained in part. The discipline is reduced to a three (3) days based upon the charge and progression.

The Employer proved that Ms. Walker violated Rule 2c. She failed to report to work for duty at her scheduled starting time. Ms. Walker was late for work and in the words of the Employer's representative, "late is late." However, the Employer did not prove a violation of Rule 3b. The evidence demonstrates Ms. Walker notified her supervisor of her absence and the Employer failed to consider the mitigating circumstances involved in this matter.

#1385

ARBITRATOR: R.G. Stein

HEARING DATE: 7/23/99

GRIEVANT:

Amy Walker

GRIEVANCE #: 27-05-990208-0610-01-03S

DEPARTMENT:

DR & C

UNION:

OCSEA

MANAGEMENT

ADVOCATE:

Ted Durdek

UNION

ADVOCATE:

DAVE Justice

5 day suspension

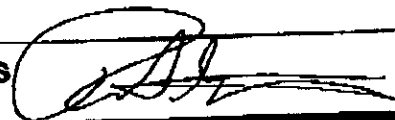
Grievance sustained. Grievant to receive five (5) days back pay and the discipline is to be removed from her record.

ISSUED AT:

CRC

DATE:

7/23/99

ARBITRATOR'S
SIGNATURE:

371212

Gr. # 27-05-990208-0610-01-03 Amy Walker

Grievance sustained. The Grievant shall be paid 5 days pay and the discipline shall be removed from her record.

The Grievant had 16 hours of compensation time on file prior to the time of her alleged unauthorized absence. The Warden told her she could use whatever leave time she had to attend to the affairs of her brother's death. The dates in question were September 12th and 18th. The Grievant mistakenly thought she did not have any leave time to use. After personally assuring the Grievant she could use whatever leave time she had accumulated, I find it unreasonable for the Employer to charge her with AWOL for the dates she could have used compensation leave and for which the Employer pre-approved said usage.