

#1800

## BENCH DECISION AND AWARD

Expedited NTA

ARBITRATOR: WASHINGTON, DWIGHTHEARING DATE: 1-11-05GRIEVANT: GOTT-MURRAY, BETHGRIEVANCE #: 27-09-20090720-1074-06-107DEPARTMENT: GRAND CORRECTIONALUNION: OGAMANAGEMENT  
ADVOCATE: BURRIS, DAVEUNION  
ADVOCATE: MILLER, VIKIE

## ISSUE

WAS THE PROBATIONARY TERMINATION OF THE GRIEVANT ACTIONABLE UNDER ARTICLE 5 OF THE CBA? IF NOT, WHAT SHALL THE REMEDY BE?

## AWARD

THE GRIEVANT WAS HIRED ON AUGUST 25, 2003 AND WAS TERMINATED ON JULY 1, 2004. ARTICLE 19 REQUIRES A ONE YEAR PROBATIONARY PERIOD AND ANY TERMINATIONS WITHIN THAT YEAR IS NOT SUBJECT TO THE GRIEVANCE PROCEDURE (ARTICLE 5). FINALLY, ARTICLE 19.02 PROVIDES THAT THE FINAL DECISION OF THE APPOINTING AUTHORITY IS FINAL AND SHALL NOT BE SUBJECT TO ARTICLE 5. IN ACCORD WITH THE SUBSTANTIVE PROCEDURAL POSITION OF THE EMPLOYER, IN THAT, THIS GRIEVANCE IS NOT SUBJECT TO ARTICLE 5. GRIEVANCE IS DENIED.

ISSUED AT: OCB - DENVER, CO  
DATE: 1-11-05

ARBITRATOR'S  
SIGNATURE: [Signature]