

***AFSCME Council 24***  
**WISCONSIN STATE EMPLOYEE UNION, AFL-CIO**  
***Arbitration Award Summary***

<b>WON:</b>		<b>CONTRACT</b>	1995-97
<b>LOST:</b>	XXX	<b>CASE NO.:</b>	14882
<b>SPLIT:</b>		<b>VOLUME:</b>	11-6
<b>ISSUE:</b>	SUSPENSION, SEXUAL HARASSMENT	<b>PROVISIONS:</b>	ARTICLE IV, SECTION 9
<b>ARBITRATOR:</b>	GRENIG	<b>LOCAL:</b>	1
<b>HEARD:</b>	8/5/97	<b>BARG. UNIT:</b>	AS
<b>AWARD:</b>	8/7/97	<b>EMP. UNIT:</b>	SPD

This case was heard under the expedited arbitration procedure contained in the Agreement and is, therefor, non-precedential.

The Grievant is a female Legal Secretary in the Office of the State Public Defender. In July of 1996, a legal intern complained that the Grievant had sexually harassed him. As a result of the complaint and investigation, the Grievant apologized for making the intern feel uncomfortable. The intern continued to push the Employer to further punish the Grievant. In August of 1996 the Grievant was given a five-day suspension for sexual harassment.

The Employer contended that the evidence established that the Grievant sexually harassed the intern by touching him on the buttocks and hugging him. The Employer stated that its investigation found that the intern was telling the truth.

The Union pointed out that the Employer did not call the intern to testify or any other eyewitness to substantiate the allegations. It noted that the statements of the intern were inconsistent.

The Arbitrator found that the intern's hearsay statements were the only evidence of sexual harassment. There was no corroboration such as testimony by other persons who observed the conduct complained of. Finally, the Arbitrator determined that, based on the evidence in the record, it must have been concluded that the Employer had not established by a preponderance of the evidence that the Grievant committed the offenses with which she was charged.

The grievance was sustained and the Grievant made whole.