

***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>	14961
<b>SPLIT:</b>		<b>VOLUME:</b>	11-18
<b>ISSUE:</b>	EMPLOYMENT STATUS	<b>PROVISIONS:</b>	ARTICLE IV, SECTION 9 & ARTICLE XI, SECTION 7
<b>ARBITRATOR:</b>	GRENIG	<b>LOCAL:</b>	126
<b>HEARD:</b>	12/3/97	<b>BARG. UNIT:</b>	S&PS
<b>AWARD:</b>	2/6/98	<b>EMP. UNIT:</b>	DOC-TCI

The Department of Corrections had in effect a policy concerning the employment or retention of individuals with an arrest or conviction record. The Grievant was an Industry Specialist at Taycheedah Correctional Institution. He ran a print shop for Badger State Industries and supervised ten to twelve inmates. In 1966 the Grievant was sentenced to a thirty-day jail term under the Huber Law for driving while intoxicated. The Employer prohibited the Grievant from working at the Institution during the term of his jail sentence.

The Employer argued that this case was about its application of the arrest and conviction policy and not about discipline. The Employer stated that it was the Grievant's own actions that created an impediment to his employment and that he could have used paid leave time to cover his absence. This was different than a disciplinary action. Finally, the Employer stated that the policy had been applied uniformly and was reasonable.

According to the Union, the Employer had not put in evidence to justify its claim that the Grievant was unfit for duty in any way, shape or form. The Union claimed that the Employer must give examples of problems with Huber inmates supervising correctional institution inmates.

The Arbitrator noted that, although the Employer stated otherwise, its action here appeared to be in the nature of a corrective disciplinary action. The Grievant did suffer a financial penalty. However, the Grievant did supervise inmates at TCI and therefor had a position of trust and responsibility. The Arbitrator found that the arrest and conviction policy was reasonably connected to its image and public perception. He also found that the policy had been applied uniformly since its inception.

The grievance was denied.