

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

<b>WON:</b>	<b>XXX</b>	<b>CONTRACT</b>	<b>1995-97</b>
<b>LOST:</b>		<b>CASE NO.:</b>	<b>15004</b>
<b>SPLIT:</b>		<b>VOLUME:</b>	<b>11-9</b>
<b>ISSUE:</b>	<b>SUSPENSION, NEGLIGENCE</b>	<b>PROVISIONS:</b>	<b>ARTICLE IV, SECTION 9</b>
<b>ARBITRATOR:</b>	<b>GRENIG</b>	<b>LOCAL:</b>	<b>194</b>
<b>HEARD:</b>	<b>10/30/97</b>	<b>BARG. UNIT:</b>	<b>BC</b>
<b>AWARD:</b>	<b>11/3/97</b>	<b>EMP. UNIT:</b>	<b>U.W. LACROSSE</b>

This grievance was heard under the expedited arbitration procedure contained in the Agreement and is, therefor, non-precedential.

The Grievant had been a Grounds Keeper at the University for over five years. As part of his duties he operated various types of equipment including truck mounted snowplows and grass seeders. In January of 1996 the Grievant was involved in two minor accidents while snowplowing. No discipline was imposed. In June of 1996 the Grievant was seeding a mall area with a tractor equipped with a forklift. He hit a University van with one of the forks and received a five-day suspension for negligence.

The Employer pointed out that the Grievant was involved in two vehicle accidents in January 1996 as well as the June 1996 accident. The Employer asserted that it conducted a proper investigation and concluded that a five-day suspension was warranted by the severity of the offense.

The Union argued that the incidents were minor and that other employees who were involved in similar incidents had not been disciplined. The Union asserted that the discipline imposed was not progressive and was discriminatory.

The Arbitrator found that it was inappropriate for the Employer to rely on the January accidents and the incidents of discourtesy for which no discipline had previously been imposed when it issued the five-day suspension. However, the accident in June appeared to have been the result of negligence. Finally, the Arbitrator found that it was a denial of just cause to discipline the Grievant for negligent conduct while not disciplining other employees for similar conduct.

The grievance was sustained and the Grievant made whole.