

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

WON:		CONTRACT	1995-97
LOST:	XXX	CASE NO.:	15164
SPLIT:		VOLUME:	11-5
ISSUE:	SUSPENSION, SEXUAL HARASSMENT	PROVISIONS:	ARTICLE IV, SECTION 9
ARBITRATOR:	GRENIG	LOCAL:	18
HEARD:	6/15/97	BARG. UNIT:	S&PS
AWARD:	7/14/97	EMP. UNIT:	DOC-WCI

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

The Grievant had been employed for twelve years as a Correctional Officer at the Waupun Correctional Institution at the time this grievance arose. In October of 1996, a female CO prepared a written statement alleging sexual harassment by the Grievant. During an investigation into the allegations the Grievant denied almost all of them but, later, wrote and signed a statement admitting to kissing and touching the female officer. However, the Grievant stated that the actions were not rejected or objected to. After the investigation, the Grievant was given a ten-day suspension and demoted in rank.

The Employer contended that the Institution did the proper thing: it conducted a reasonable investigation and considered all factors. The Employer noted that sexual conduct involving physical touching could result in termination.

The Union contended that the discipline was too severe and that many of the allegations made were not proven. The Union pointed out that a tower officer saw nothing improper take place.

The Arbitrator found the Employer's witness to be more credible than the Grievant. Her statements throughout the hearing were consistent while the Grievant's changed during different stages of the investigation. He found that the two offenses committed by the Grievant were both very serious. Even when considering the Grievant's work record and the disciplinary penalties imposed on other employees, it did not appear that the ten-day suspension and demotion were unreasonable. While another employee who sexually harassed a co-worker may have escaped demotion or suspension, there was no evidence that that employee committed a second offense of failing to provide truthful information.

The grievance was denied.