

***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>15374</b>
<b>SPLIT:</b>		<b>VOLUME:</b>	<b>11-12</b>
<b>ISSUE:</b>	<b>SUSPENSION, ABSENTEEISM</b>	<b>PROVISIONS:</b>	<b>ARTICLE IV, SECTION 9</b>
<b>ARBITRATOR:</b>	<b>GRENIG</b>	<b>LOCAL:</b>	<b>116</b>
<b>HEARD:</b>	<b>11/4/97</b>	<b>BARG. UNIT:</b>	<b>TECH</b>
<b>AWARD:</b>	<b>11/10/97</b>	<b>EMP. UNIT:</b>	<b>DHFS-NWC</b>

This case was heard under the expedited arbitration procedure contained in the Agreement and is, therefor, non-precedential.

The Grievant is a Resident Care Technician at the Northern Wisconsin Center. In July of 1996 the Grievant called in sick on every workday during a fifteen-day period. During that period she ran out of available leave time and did not request authorized leave without pay. In September of 1996 the Employer issued a reprimand and a one-day, three-day, and a five-day suspensions for failure to give proper notice.

The Employer argued that, although the Grievant had ample time to do so, she did not follow the proper procedure for requesting administrative leave after her paid leave time was exhausted. It stated that the discipline was progressive in nature.

The Union's only argument was that the discipline imposed in this instance was unreasonable.

The Arbitrator noted that the Employer told the Grievant simultaneously of her reprimand as well as her one, three and five-day suspensions. While the Grievant had violated the work rule regarding requesting authorization to be absent after her leave balance was exhausted, the Employer's disciplinary action did not give the Grievant an adequate opportunity to comply with the attendance policy. He also noted that the Employer could not keep silent and observe an employee repeatedly violate a work rule in order to impose a more severe penalty.

The reprimand and suspensions were reduced to a written reprimand.