

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

WON:		CONTRACT	1995-97
LOST:	XXX	CASE NO.:	15451
SPLIT:		VOLUME:	11-17
ISSUE:	GROOMING CODE	PROVISIONS:	ARTICLE IX, SECTION 19 & ARTICLE XI, SECTION 7
ARBITRATOR:	GRENIG	LOCAL:	55
HEARD:	12/12//97	BARG. UNIT:	S&PS
AWARD:	3/16/98	EMP. UNIT:	DOT-DSP

The Grievant is a State Trooper and was hired by the Employer in 1989. At that time he had small tattoos on his arm that were not visible while he wore a short sleeve shirt. Sometime before May of 1997, the Grievant got two additional tattoos on his arms. Both covered most of the inside of his forearms. At that time the Employer had no written policy prohibiting such tattoos or requiring that they be covered up. In May of 1997, the Employer implemented a revised Grooming Policy Standard which prohibited showing tattoos of excessive size among other things. As a result of this revised policy, the Grievant was exempted from wearing a short sleeve summer uniform and required to wear a long sleeve shirt and tie at all times during the year.

The Employer argued that it was under no contractual obligation to exempt the Grievant or any other group of employees from the provisions of a work rule or policy and procedure that was reasonable. According to the Employer, it may regulate the appearance of employees who come into contact with the public and whose appearance affects the Employer's public image.

The Union did not challenge the reasonableness of the tattoo policy, only its application to the Grievant. The Union argued that the Grievant should have been grand-fathered in this case because he had the tattoos added at a time when there was no policy prohibiting the wearing of such tattoos. The Union also pointed out that this could bring up a health and safety issue in hot weather.

Because there was no challenge to it, the Arbitrator found that the work rule in question was reasonable and that the wearing of a long sleeve shirt and tie by the Grievant did not work a hardship on him. He also found no disparate treatment in that no trooper with extensive tattoos such as the Grievant's was allowed to wear a short sleeve shirt. The Arbitrator found no merit in the Union's assertion that wearing a long sleeve shirt in the summer posed a health hazard. He noted that many people, including State Patrol supervisors wore long sleeve shirts in the summer.

The grievances were denied.