

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

WON:		CONTRACT	1997-99
LOST:	XXX	CASE NO.:	15972
SPLIT:		VOLUME:	12-4
ISSUE:	SUSPENSION, INSUBORDINATION	PROVISIONS:	ARTICLE IV, SECTION 9
ARBITRATOR:	GRENIG	LOCAL:	178
HEARD:	9/24/98	BARG. UNIT:	ASU
AWARD:	10/5/98	EMP. UNIT:	DOC-DCI

This case was heard under the expedited arbitration procedure contained in the Agreement and is, therefor, non-precedential.

The Grievant had been employed as a Program Assistant at the Dodge Correctional Institution for eleven years and had been a state employee for twenty years. Prior to this instance, the Grievant had never been disciplined. In September of 1997, the Warden asked the Personnel Manager to investigate some complaints made by a co-worker of the Grievant. The co-worker claimed that the Grievant had been harassing her. The investigator determined that the Grievant had referred to staff as "ass kissers, brown nosers, and niggers" and that her actions were not done in a joking or teasing way. The investigator also found that the Grievant used words that were abusive and that were intended to demean a supervisor. Finally, the investigator found that the Grievant had interfered with a co-worker's entering the Institution by the "short way". In November of 1997, the Grievant was given a five-day suspension for disobeying a written directive, failing to provide complete and accurate information, and insubordination.

The Employer argued that the Grievant's conduct was very serious justifying a five-day suspension. The Employer stated that it conducted a proper investigation and took appropriate action.

The Union argued that the discipline imposed was excessive and unreasonable. The Union pointed out that the five-day suspension was the only discipline the Grievant had ever received as a state employee.

The Arbitrator found that the Grievant had lied during the pre-disciplinary meeting and that it was a serious offense. He also found that the Grievant was guilty of insubordination when she used demeaning remarks when referring to a supervisor and when she disregarded a written directive. The Employer did not prove its case regarding the harassment of fellow employees. Because the three infractions were serious, the Arbitrator found that there was just cause for the five-day suspension.

The grievance was denied.