

Arbitration Summary

UNION: Washington Federation of State Employees (WFSE)

AGENCY: Employment Security Department

GRIEVANT: Jackie Bergener

CBA: WFSE 2005–2007

ARBITRATOR: William Greer

DATE FILED: September 15, 2006

HEARING DATE: July 17, 2007

DATE OF AWARD: September 26, 2007

ARTICLE(S) GRIEVED:

Article 5.1 – Performance Evaluation (Objective)

Article 5.2 – Performance Evaluation (Evaluation Process)

ISSUE STATEMENT(S):

Did the State violate Article 5 of the Collective Bargaining Agreement during the course of administering the performance evaluation? If so, what is the appropriate remedy?

AWARD:

The Arbitrator, William Greer, concluded the Employer violated Article 5.1 by including comments regarding “loud and disruptive” behavior (Section 1); “completing evaluations” (Section 3); “review and close out staff casework in a timely manner” (Section 4); “participate in the DOL sponsored Regional conference calls” (Section 5); and “defensive, argumentative and unwilling to listen” (Section 7), and ordered the State, by 45 days from the date of the award, to present the employee for signature a revised performance evaluation that excludes those comments and to destroy the August 2006 performance evaluation and not retain a copy of it in the personnel file or in any other State records.