

## **Arbitration Summary**

**UNION:** Washington Public Employees Association (WPEA)

**AGENCY:** Clark College

**GRIEVANT:** Vicki Presley

**CBA:** WPEA Higher Education 2005–2007

**ARBITRATOR:** William Greer

**DATE FILED:** February 2, 2006

**HEARING DATE:** November 30, 2006

**DATE OF AWARD:** February 26, 2007

### **ARTICLE(S) GRIEVED:**

Article 11 – Shared Leave

(Union withdrew Article 11, as violations of Article 11 could not be arbitrated)

Article 32 – Management Rights

Article 41 – Entire Agreement

### **ISSUE STATEMENT(S):**

Did the Employer have just cause to discipline Grievant Huff in the form of a written reprimand? If not, what is the appropriate remedy?

### **AWARD:**

While the Employer has discretion when considering shared leave, they do not have unfettered discretion. Employer's policies must be consistent with the CBA and contain reasonable standards and criteria. The Employer's application of a policy based on repealed rules was an arbitrary and unreasonable exercise of management rights. The College must provide the employee with a shared leave donation form to fill out, the employee needs to fill out the form and then College must respond to her request.