Arbitration Summary

**UNION:** Washington Federation of State Employees (WFSE)

**AGENCY:** Washington State Department of Ecology

**GRIEVANT:** Helen Pressley

**CBA:** WFSE 2005–2007

**ARBITRATOR:** Paul M. Grace

**DATE FILED:** December 8, 2005

**HEARING DATE:** January 4, 2007

**DATE OF AWARD:** March 19, 2007

**ARTICLE(S) GRIEVED:**
Article 39.1 – Union Activities (Representation)
Article 39.4.C, 21 – Use of State Facilities, Resources and Equipment (E-Mail, Fax Machines, the Internet and Intranets)

**ISSUE STATEMENT(S):**
Did the State violate the Collective Bargaining Agreement particularly Article 39.4 C, when it concluded that an Employee’s e-mail to a Shop Steward was not a request for union representation and therefore an impermissible use of the Employer’s e-mail system? If so, what is the appropriate remedy?

**AWARD:**
The Arbitrator, Paul M. Grace, found that the e-mail sent to the Shop Steward was a permissible request for union representation under Article 39 and that the Employer’s directive to refrain from such use of the state e-mail system violated Article 39.4 C. The grievance was sustained.