

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.