Arbitration Summary

UNION: Washington Public Employees Association (WPEA)

AGENCY: Clark College

GRIEVANT: Vicki Presley


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 The Employer's application of a policy based on repealed rules was an arbitrary and unreasonable exercise of management rights.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.