

Arbitration Summary

UNION: Washington Federation of State Employees (WFSE)

AGENCY: Health Care Authority

GRIEVANT: Linda Goodwillie

CBA: WFSE 2009-2011

ARBITRATOR: Fredric R. Dichter

DATE FILED: February 2, 2010

HEARING DATE: January 24, 2011

DATE OF AWARD: April 21, 2011

ARTICLE(S) GRIEVED:

Article 15 – Family and Medical Leave

Article 32 – Reasonable Accommodation and Disability Separation

ISSUE STATEMENT(S):

Did the employer violate the Parties Collective Bargaining Agreement when it separated Grievant from employment? If so, what is the appropriate remedy?

AWARD:

1. The grievance is denied in part and granted in part.
2. The Employer did not violate Article 32 when it disability separated Grievant from Employment.
3. The Employer violated Article 15 when it separated Grievant while she had FMLA Leave remaining.
4. The Employer is precluded in the future from disability separating an employee who has qualified for and unused FMLA leave.
5. Grievant will not be reinstated. If Grievant had any leave accumulated at the time of her separation which was not subsequently paid to her upon her separation, she should be paid for that leave. In addition, any leave she would have accumulated for three months from January 20 will be credited to her and paid to her up to a maximum of 240 hours. She should also be paid for any holidays that fell within that period.