

Arbitration Summary

UNION: Washington Federation of State Employees (WFSE)

AGENCY: Department of Social and Health Services

GRIEVANT: Bruce Witham

CBA: WFSE 2005–2007

ARBITRATOR: Carol J. Teather

DATE FILED: April 7, 2006

HEARING DATE: July 12, 2007

DATE OF AWARD: September 2, 2007

ARTICLE(S) GRIEVED:

Article 2 – Non-Discrimination

Article 5 – Performance Evaluation

ISSUE STATEMENT(S):

Did the Employer violate the Collective Bargaining Agreement (CBA) by failing to follow the evaluation process set forth in Article 5 in evaluating the Grievant's performance for the period of April 16, 2005 to April 16, 2006? Did the Employer violate Article 2 of the CBA by reason of negative comments contained in the grievant's Performance and Development Plan? If so, what is the appropriate remedy?

AWARD:

The Arbitrator, Carol J. Teather, found that the performance problems were brought to the Grievant's attention during the evaluation period in sufficient time for him to receive any needed additional training to correct the problems before they were mentioned in his evaluation. In addition, there was no evidence showing unlawful discrimination or unlawful harassment. The grievance was denied.