

***AFSCME Council 24***  
**WISCONSIN STATE EMPLOYEE UNION, AFL-CIO**  
***Arbitration Award Summary***

<b>WON:</b>	<b>XXX</b>	<b>CONTRACT</b>	1995-97
<b>LOST:</b>		<b>CASE NO.:</b>	15378
<b>SPLIT:</b>		<b>VOLUME:</b>	11-11
<b>ISSUE:</b>	SUSPENSION, LWOP	<b>PROVISIONS:</b>	ARTICLE IV, SECTION 9
<b>ARBITRATOR:</b>	GRENIG	<b>LOCAL:</b>	116
<b>HEARD:</b>	11/4/97	<b>BARG. UNIT:</b>	BC
<b>AWARD:</b>	11/10/97	<b>EMP. UNIT:</b>	DHFS-NWC

This case was heard under the expedited arbitration procedure contained in the Agreement and is, therefor, non-precedential.

The Grievant is a Custodian at the Northern Wisconsin Center and works the evening shift. On a Saturday evening in November of 1996, the Grievant noticed that the taillights on his vehicle were out. He worked on the taillights the next day but was unable to fix them prior to his start time at NWC. He called his supervisor and requested leave without pay but the interim director disapproved the request. The Grievant was given a three-day suspension.

The Employer argued that the issue was the sufficiency of the Grievant's reason for requesting administrative leave. While not disputing the vehicle problems, the Employer stated that the Grievant had other options and could have reported for work on time.

The Union asserted that the Grievant made a reasonable attempt to fix the problem with his vehicle. It contended that the Grievant called his supervisor in a timely manner and that he followed the proper procedures for requesting a leave. The Union pointed out that the supervisor had approved the Grievant's request.

The Arbitrator found that the Employer's Policy and Procedure governing administrative leaves of absence was ambiguous. In one area it required only supervisory approval. In another it required the Director's approval. The Arbitrator found that the ambiguity favored the Grievant in this instance. Because the Grievant's supervisor approved the Grievant's request, the absence or tardiness was "authorized" not "unauthorized".

The grievance was sustained and the Grievant made whole.