

November 30, 1990

Ms. Alice O'Mahar
UniServ Director
CAUS-North
4800 Ivywood Trail
McFarland, WI 53558

Mr. David Friedman
Attorney at Law
Friedman Law Firm
Suite 202
30 West Mifflin Street
Madison, WI 53703

re: Cambridge School District
WERC Case 11 No. 43528 MA-5996
(Grievance of Ann Voelker regarding denial of sick
leave and one-day suspension)

Gentlepersons:

I am responding to Ms. O'Mahar's November 28 letter requesting clarification of my November 12, 1990 grievance arbitration award in the above matter. Upon receiving that letter, I inquired by telephone of Mr. Friedman whether the District agreed to authorize me to respond to it. Mr. Friedman stated that the District did not agree with the assumption stated in Ms. O'Mahar's letter, but that the District was willing to authorize me to resolve the question raised by Ms. O'Mahar. Accordingly, this letter constitutes my supplemental award providing the clarification requested.

In her November 28 letter, Ms. O'Mahar correctly notes that, in part, the Award requires the District both "to remove from Grievant's record and give no further effect to the October 9, 1989 disciplinary memorandum" and to insert in its place a copy of this Award." As she further notes, the Award also provides, "The copy of this award so placed in the Grievant's record shall constitute a written warning to Grievant on account of her unprofessional conduct of angrily confronting Principal Holtz in the presence of students in the math room on October 5, 1989."

Ms. O'Mahar's letter further states, "Based on the above, the Association assumes that it is the intent of the Arbitrator that only the award itself (pages 1 through 14) is to be included in the Grievant's file so that the Appendices attached to the award (pages 15-21) are to be excluded." She requests that the Arbitrator advise as to the correctness of that assumption.

The Association's assumption in that regard is not correct.

It may seem inconsistent to have directed the District to remove the October 9 disciplinary memorandum from Grievant's record on the one hand and to have directed it to reinsert that document in her record as a part of the Award on the other. However, the presence of the October 9 disciplinary memorandum as a part of the Award inserted in Grievant's record is significantly different than that memorandum, per se, remaining a part of Grievant's record. As the Award makes quite clear, the disciplinary memorandum is no longer to be given any further effect and is not to be considered to be a part of Grievant's record. Its inclusion in the Award--and in Grievant's record as a part of the award--is only as a part of the factual background of the award set forth on pages 2-6. Its placement in appendix form with certain other documents was merely a more convenient form of award preparation as compared to retyping the contents of those documents at the points at which they are referenced in the factual background section.

Thus, the appendices as well as the first 14 pages of the Award constitute the Award in its entirety. Their inclusion as a part of the Award to be inserted in Grievant's record is only as factual background for the Award which, as noted, provides that the disciplinary memorandum is to be given no further effect, is not to be considered a part of Grievant's record, and is to be replaced by the Award which "shall constitute a written warning to Grievant on account of her unprofessional conduct of angrily confronting Principal Holtz in the presence of students in the math room on October 5, 1989."

Accordingly, the document to be inserted in place of the October 9 disciplinary memorandum is the entire Award, pages 1-21, i.e., including appendices.

Very truly yours,

Marshall L. Gratz /s
Marshall L. Gratz
Arbitrator

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