

BEFORE THE ARBITRATOR

In the Matter of the Arbitration	:	
of a Dispute Between	:	
WAUPACA COUNTY (HIGHWAY DEPARTMENT)	:	Case 96
	:	No. 51640
and	:	MA-8681
	:	
WAUPACA COUNTY HIGHWAY DEPARTMENT	:	
EMPLOYEES UNION, LOCAL 1756,	:	
AFSCME, AFL-CIO	:	
	:	

Appearances:

Ms. Laura Langman, Personnel Director, Waupaca County, 811 Harding Street, Waupaca County Courthouse, Waupaca, Wisconsin 54981-2077, on behalf of the County.

Mr. Jeff Wickland, Staff Representative, Wisconsin Council 40, AFSCME, AFL-CIO, P.O. Box 44, Stevens Point, Wisconsin 54481-0044, on behalf of Local 1756.

ARBITRATION AWARD

According to the terms of the 1994-95 collective bargaining agreement between the County and Local 1752, and the parties' agreement, the parties requested that the Wisconsin Employment Relations Commission appoint Arbitrator Sharon A. Gallagher to hear and resolve a dispute between them regarding the County's issuing a written warning to Ron Wilke for his conduct (on March 18, 1994) of stopping at his home to make a personal phone call, after he had completed his 12-hour work day and all his assigned tasks on his way back to the Waupaca Garage to clock out for the day. A hearing was held at Waupaca, Wisconsin on October 18, 1994. No stenographic transcript of the proceedings was taken. Both parties stipulated that the Arbitrator should issue a detailed oral bench award on October 18, 1994, to be confirmed in writing in summary fashion only at a later date. The parties presented testimonial and documentary evidence and made oral argument at the hearing. They also stipulated that the following issues should be determined herein:

1. Did the County have just cause to discipline Grievant Ron Wilke?
2. If not, what is the appropriate remedy?

Based upon the relevant evidence and argument, the oral

analysis rendered by the Arbitrator on October 18th after the hearing concluded, and in accord with the parties' agreement that a summary written award be issued, the grievance is hereby sustained as stated in the following

SUMMARY AWARD

The County did not have just cause to discipline Grievant Ron Wilke. Therefore, the County shall expunge from the Grievant's record of any and all references to the discipline Wilke received on April 13, 1994 for his conduct of March 18, 1994.

Dated at Oshkosh, Wisconsin this 14th day of November, 1994.

Arbitrator

By Sharon A. Gallagher /s/
Sharon A. Gallagher,