

BEFORE THE ARBITRATOR

In the Matter of the Arbitration of a Dispute Between

**PORTAGE COUNTY COURTHOUSE, HEALTH CARE CENTER,
DEPARTMENT OF HEALTH AND HUMAN SERVICES AND
LIBRARY SYSTEM EMPLOYEES LOCAL 348, AFSCME, AFL-CIO**

and

PORTAGE COUNTY

Case 176
No. 62434
MA-12281

Appearances:

Michael J. Wilson, Representative at Large, Wisconsin Council 40, AFSCME, AFL-CIO, 8033 Excelsior Drive, Suite B, Madison, Wisconsin 53717, appearing on behalf of the Union.

J. Blair Ward, Assistant Corporation Counsel, Portage County, County-City Building, 1516 Church Street, Stevens Point, Wisconsin 54481, appearing on behalf of the County.

SUPPLEMENTAL ARBITRATION AWARD

The Union and the County are parties to a collective bargaining agreement which provides for final and binding arbitration. Pursuant thereto, the parties jointly requested that the Wisconsin Employment Relations Commission provide a panel of Commission-employed arbitrators from which the parties selected Dennis P. McGilligan to resolve a dispute over the termination of Collene Ottum, the Grievant. Hearing was held on October 9 and November 19 2003. The hearings were transcribed. The parties completed their briefing schedule on June 5, 2004. I issued an Award on August 17, 2004, wherein I found that:

The grievance is sustained and the County is ordered to: (1) reduce the Grievant's discharge to a written reprimand; and (2) immediately reinstate the Grievant to her former position with all seniority and rights she had under the collective bargaining agreement and make the Grievant whole for all wages and benefits lost as a result of the discharge, minus all wages the Grievant earned in the interim that she would not have received except for her discharge and any benefits she may have received from unemployment compensation, and minus any monetary reduction as a result of the Union's late filing of its brief(s).

The Arbitrator will retain jurisdiction over the application of the remedy portion of the Award for at least ninety (90) days to address any issues over remedy that the parties are unable to resolve.

Pursuant thereto, hearing was held on June 14, 2005, on certain remedy issues. At hearing, the parties stipulated to an oral decision by the undersigned with brief supporting rationale followed by a Supplemental Award confirming the conclusions reached with respect to the remedy issues decided at the June 14th hearing.

Based upon the entire record and arguments of the parties, I issue the following

SUPPLEMENTAL AWARD

The make-whole remedy shall be reduced by an amount of money equal to fifteen (15) work days of the Grievant. The make-whole remedy shall not be reduced by the weekend and night shift work performed by the Grievant during the time in question. The Grievant is not entitled to reimbursement for job hunting expenses and additional mileage to commute to work. The County shall pay the Grievant an additional eight (8) hours of vacation pay.

Dated at Madison, Wisconsin, this 1st day of August, 2005.

Dennis P. McGilligan /s/

Dennis P. McGilligan, Arbitrator

DPM/gjc

6866

