

BEFORE THE ARBITRATOR

In the Matter of the Arbitration of a Dispute Between

KENOSHA COUNTY

and

**KENOSHA COUNTY SOCIAL WORK PROFESSIONAL EMPLOYEES EMPLOYED
IN BROOKSIDE, AGING AND SOCIAL SERVICES DEPARTMENTS, LOCAL 990
AFSCME, AFL-CIO**

Case 272
No. 68278
MA-14178

Appearances:

Michael J. Wilson, Representative-at-Large and **Nicholas Kasmer**, Staff Representatives, Wisconsin Council 40, AFSCME, AFL-CIO, 803 Excelsior Drive, Suite B, Madison, Wisconsin, appeared on behalf of the Union

Lorette Pionke, Senior Assistant Corporation Counsel, Kenosha County, 912 56th Street, Kenosha, Wisconsin, appeared on behalf of the Employer.

ARBITRATION AWARD

Kenosha County Social Work Professional Employees Employed in Brookside, Aging and Social Services Departments, Local 990 AFSCME, AFL-CIO, herein referred to as the "Union," and Kenosha County, herein referred to as the "Employer," jointly selected the undersigned from a panel of arbitrators from the staff of the Wisconsin Employment Relations Commission to serve as the impartial arbitrator to hear and decide the dispute specified below. The arbitrator held a hearing in Kenosha, Wisconsin, on January 28, 2010. The parties agreed to bifurcate the hearing and to have the timeliness issue heard first. The parties further agreed after hearing on that issue to oral argument and to have the arbitrator render a bench decision on that issue supplemented by a summary award without rationale. I made a bench ruling that the grievance was not timely processed to the fourth step of the grievance procedure.

ISSUES

The parties agreed to the following statement of the issues:

1. Was the grievance timely processed to the fourth step of the grievance procedure?
2. If so, did the Employer violate the terms of the collective bargaining agreement when it failed to award the vacant victim-witness position to the Grievant?
3. If so, what is the appropriate remedy?

AWARD

That the grievance filed herein was not timely processed to step 4 and, therefore, is dismissed.

Dated at Madison, Wisconsin, this 29th day of January, 2010.

Stanley H. Michelstetter II /s/

Stanley H. Michelstetter II, Arbitrator