

BEFORE THE ARBITRATOR

In the Matter of the Arbitration of a Dispute Between

OPEIU LOCAL 9

and

WISCONSIN STATE AFL-CIO

Case 4
No. 71975
A-6546

Appearances:

Martin C. Kuhn, for the Union.

Matthew R. Robbins, for the Employer.

ARBITRATION AWARD

Pursuant to the joint request of the parties, I was assigned to serve as arbitrator of a written warning grievance. Hearing was held on May 4, 2013 in Milwaukee, Wisconsin. The parties proceeded without a transcript or other recording of the hearing. Post-hearing briefs were filed by June 21, 2013.

ISSUE

The parties agreed that the issue to be resolved is:

Did the Employer have just cause to issue the grievant a written reprimand and, if not, what is the appropriate remedy?

DISCUSSION

The grievant received a written warning for emailing confidential information in a manner that had the potential to make the information generally accessible. She did not do so intentionally and no known harm was caused by her error. However, it is clear that the grievant knew the importance of keeping the information confidential. Thus, while the grievant did not have previous experience with the secure mailing site in question, it was her obligation to make sure that she understood how to perform the task in question. She did not do so and thus committed the error in question. Under those circumstances, I am persuaded that the Employer had just cause to issue a written warning.

Dated at Madison, Wisconsin this 4th day of November, 2013.

/s/ Peter G. Davis

Peter G. Davis
Arbitrator
PGD:ckl