

## **Summary of Private Sector Awards by Issue**

<a href="#"><u>Abandonment of job</u></a>	<a href="#"><u>Obscene and Indecent Conduct</u></a>
<a href="#"><u>Absenteeism</u></a>	<a href="#"><u>Overtime</u></a>
<a href="#"><u>Abuse of Leave</u></a>	<a href="#"><u>Past Practice</u></a>
<a href="#"><u>Anti-Harassment Policy</u></a>	<a href="#"><u>Pay</u></a>
<a href="#"><u>Arbitrability</u></a>	<a href="#"><u>Postings and Promotions</u></a>
<a href="#"><u>Bargaining Unit Work</u></a>	<a href="#"><u>Probationary Period</u></a>
<a href="#"><u>Benefits</u></a>	<a href="#"><u>Progressive Discipline</u></a>
<a href="#"><u>Burden of Proof</u></a>	<a href="#"><u>Profanity</u></a>
<a href="#"><u>Call-In Procedures</u></a>	<a href="#"><u>Qualifications (Minimum and Tests)</u></a>
<a href="#"><u>Criminal Sexual Conduct</u></a>	<a href="#"><u>Resignations</u></a>
<a href="#"><u>Customer Service</u></a>	<a href="#"><u>Safety</u></a>
<a href="#"><u>Demotion</u></a>	<a href="#"><u>Scheduling</u></a>
<a href="#"><u>Destruction of Property (Vandalism)</u></a>	<a href="#"><u>Seniority</u></a>
<a href="#"><u>Disability</u></a>	<a href="#"><u>Seven Tests to Prove Just Cause</u></a>
<a href="#"><u>Discharge</u></a>	<a href="#"><u>Sexual Harassment</u></a>
<a href="#"><u>Discrimination</u></a>	<a href="#"><u>Sleeping on the job</u></a>
<a href="#"><u>Dishonesty</u></a>	<a href="#"><u>Sick Leave</u></a>
<a href="#"><u>Dress Code</u></a>	<a href="#"><u>Sick Leave Reimbursement</u></a>
<a href="#"><u>Drug Testing</u></a>	<a href="#"><u>Subcontracting</u></a>
<a href="#"><u>Due Process</u></a>	<a href="#"><u>Successorship</u></a>
<a href="#"><u>Failure to Report after Medical Leave</u></a>	<a href="#"><u>Suspension</u></a>
<a href="#"><u>Falsification of Records</u></a>	<a href="#"><u>Temporary Work Assignments</u></a>
<a href="#"><u>Falsifying Time Cards</u></a>	<a href="#"><u>Theft</u></a>
<a href="#"><u>Fraud</u></a>	<a href="#"><u>Threatening Behavior</u></a>
<a href="#"><u>Gainful Employment</u></a>	<a href="#"><u>Timeliness/Timelines of Grievances</u></a>
<a href="#"><u>Health Insurance</u></a>	<a href="#"><u>Transfers</u></a>
<a href="#"><u>Holidays</u></a>	<a href="#"><u>Weingarten Rights</u></a>
<a href="#"><u>Insubordination</u></a>	<a href="#"><u>Work Assignments</u></a>
<a href="#"><u>Intoxication</u></a>	<a href="#"><u>Worker's Compensation Claim</u></a>
<a href="#"><u>Job Performance</u></a>	<a href="#"><u>Workplace Violence</u></a>
<a href="#"><u>Just Cause</u></a>	<a href="#"><u>Written Report (Warning)</u></a>
<a href="#"><u>Last Chance Agreement (Sudden Death)</u></a>	
<a href="#"><u>Leave of Absence</u></a>	
<a href="#"><u>Letter of Understanding</u></a>	
<a href="#"><u>Light Duty</u></a>	
<a href="#"><u>Management Rights</u></a>	
<a href="#"><u>Medical Exams</u></a>	
<a href="#"><u>Mergers</u></a>	
<a href="#"><u>Misconduct</u></a>	
<a href="#"><u>Misuse of Benefits</u></a>	
<a href="#"><u>Mitigating Circumstances</u></a>	
<a href="#"><u>Non-Precedence Clause</u></a>	
<a href="#"><u>No Smoking Policy</u></a>	
<a href="#"><u>Obey Now, Grieve Later</u></a>	

### *Abandonment of Job*

Case: Harris 1

Whether or not the employer had just cause to discharge an employee for leaving work without talking to a supervisor? Grievance Denied.

### *Absenteeism*

Case: Bocken 1

Whether or not the employer had just cause to discharge an employee for taking unauthorized absences? Grievance Denied.

Case: Bocken 4

Whether or not the employer had just cause to discharge an employee for excessive absences? Grievance Denied.

Case: Denenberg 2

Whether or not the employer had just cause to discharge an employee for repeated absences without proper notification? Grievance Granted.

Case: Gentile 2

Whether or not the employer had just cause to discharge a 25 year employee for theft and dishonesty?  
Grievance Denied.

Case: Gentile 3

Whether or not the employer had just cause to discharge an employee for dependability issues? Grievance denied.

Case: Horowitz 1

Whether or not the employer had just cause to discharge an employee who was absent for a prolonged period without properly notifying management? Grievance Denied.

Case: Muessig 1

Whether or not the employer had just cause to discharge an employee for excessive absences? Grievance Denied.

Case: O'Brien 1

Whether or not the employer had just cause to discharge an employee who refused to return to work after a medical leave? Grievance Denied.

Case: Popular II

Whether or not the employer had just cause to discharge an employee for excessive absences? Grievance granted in part and denied in part.

Case: Shaw 1

Whether or not the employer had just cause to discharge an employee who did not follow the sick day call-in procedures? Grievance Granted.

Case: Rubin 1

Whether or not the employer had just cause to discharge an employee for leaving the work area after excessive absences? Grievance Denied.

Case: Williams 1

Whether or not the employer had just cause to discharge an employee who did not provide medical documentation for his absences? Grievance Denied.

Case: Wittenberg 3

Whether or not the employer had just cause to discharge an employee for attendance problems associated with alcoholism? Grievance Denied.

### *Abuse of Leave*

Case: Gentile 1

Whether or not the employer had just cause to discipline the employee for misuse of sick leave? Grievance granted.

Case: O'Brien 1

Whether or not the employer had just cause to discharge an employee who refused to return to work after a medical leave? Grievance Denied.

Case: O'Brien 2

Whether or not the employer had just cause to discharge an employee for remaining on medical leave despite an ability to return to work? Grievance Denied.

Case: Render 1

Whether or not the employee resigned from his employment by participating in "gainful employment" while on medical leave? Grievance Denied.

Case: Wittenberg 1

Whether or not the employer had just cause to discharge an employee who falsified his reasons for the use of sick leave? Grievance Denied.

Case: Zigman 3

Whether or not the employer had just cause to discharge an employee for accepting worker's compensation benefits, although he did not follow the doctor's prescribed orders and did not return to work when able? Grievance Denied.

## *Anti-Harassment Policy*

Case: Bocken 2

Whether or not the employer had just cause to discharge an employee for harassing and threatening another employee? Grievance Denied.

Case: Bocken 3

Whether or not the employer had just cause to discharge an employee for striking and threatening another employee? Grievance Denied.

Case: Horowitz 4

Whether or not the employer had just cause to discharge an employee who wrote discriminatory and threatening graffiti messages on the company's bathroom stalls? Grievance Denied.

Case: Nevins 2

Whether or not the employer had just cause to discharge an employee for using profanity and intimidating coworkers? Grievance Granted.

Case: Nevins 5

Whether or not the employer had just cause to discharge an employee who made remarks that were considered threatening to a supervisor? Grievance Granted.

## *Arbitrability*

Case: Abernethy 4

Whether or not the employer violated the contract by issuing an employee from a merged company an Employer seniority date and classification seniority date different from that suggested by the Union?  
Grievance Denied.

Case: Buchheit 1

Whether or not the employer violated the CBA by posting a position that had not been created in accordance with the contract? Grievance Granted. (This opinion also discusses the use of seniority for selection purposes.)

Case: Conant 1

Whether or not the System Board of Adjustment has the right to hear a grievance about the assignment of bargaining unit work to foreign employees; and if so, did this assignment violate the collective bargaining agreement? Grievance Denied.

Case: Epstein 1

Whether or not the employer violated the CBA by refusing to accept the resignation of an employee from the Crash and Fire Rescue Crew in order to be in compliance with federal regulations? Grievance Denied.

Case: Feigenbaum 1

Whether or not the employer violated the agreement by changing the basis for employer health care contribution calculations? Grievance Granted

Case: Fisher 1

Whether or not the conditional resignation of the employee took effect after he was accused of sleeping on the job? Grievance Denied. (Note: The employee signed a sudden death/last chance agreement that stated he would resign if he was caught sleeping again. He was caught sleeping again so the arbitrator found that his letter of resignation was valid.)

Case: Heekin 2

Whether or not the employer has to accept a grievance that was not filed in a timely fashion? Grievance Denied.

Case: Helburn 1

Whether or not the employer had just cause to discharge an employee for taxiing a plane without approval, in the company of a non-employee? Grievance Granted.

Case: Witt 1

Whether or not the employer had just cause to suspend and discharge an employee for performance problems and threatening supervisors? Grievance Denied.

### **Bargaining Unit Work**

Case: Conant 1

Whether or not the System Board of Adjustment has the right to hear a grievance about the assignment of bargaining unit work to foreign employees; and if so, did this assignment violate the collective bargaining agreement? Grievance Denied.

Case: Sickles 1

Whether or not the employer violated the agreement when it subcontracted electrical work, instead of using bargaining unit employees for the job? Grievance Denied.

### **Benefits**

Case: Gootnick 1

Whether or not the employer violated the CBA when it refused to purchase the home of the grievant under the employer's relocation benefit plan? Grievance Denied.

Case: Seidenberg 1

Whether or not the employer had just cause to terminate an employee for filing false reimbursement reports for his stay at a motel during relocation? Grievance Granted in part.

Case: Steinberg 1

Whether or not an employee, who transferred back into the bargaining unit from management, is entitled to eight additional vacation days? Grievance Granted.

Case: Zigman 1

Whether or not the employer violated the agreement when it refused to offer dual medical coverage to a full time employee and his wife (a part time employee)? Grievance Denied.

### **Burden of Proof**

Case: Abernethy 1

Whether or not the employer had just cause to discharge an employee who falsified overtime? Grievance Granted.

Case: Bocken 5

Whether or not the employer had just cause to discharge an employee for not accepting a transfer position while on light duty assignment? Grievance Granted.

Case: Wittenberg 4

Whether or not the employer violated the contract when it refused to grant occupational leave time to an employee? Grievance Granted in part/denied in part.

### **Call-In Procedures**

Case: Shaw 1

Whether or not the employer had just cause to discharge an employee who did not follow the sick day call-in procedures? Grievance Granted.

### **Criminal Sexual Conduct**

Case: Muessig 2

Whether or not the employer had just cause to suspend an employee without pay who was being tried for child molestation, and should the employee receive back pay after being found innocent? Grievance Granted.

### **Customer Service**

Case: Nevins 6

Whether or not the employer had just cause to discharge an employee for engaging in conduct that is detrimental to the employer's relationship with customers? Grievance Denied.

### *Demotion*

Case: Gilson 2

Whether or not the discipline imposed on the employee for failure to use proper judgment and leadership while completing cleaning duties was too severe? Grievance Granted (in part)/ Denied (in part).

### *Destruction of Property (Vandalism)*

Case: Denenberg 3

Whether or not the employer had just cause to discharge an employee for several performance problems and safety infractions? Grievance Denied.

Case: Harris 2

Whether or not the employer had just cause to discharge an employee for vandalizing cars in the parking lot? Grievance Denied

Case: Heekin 1

Whether or not the employer had just cause to discharge an employee for multiple offenses of insubordination and destruction of employer property? Grievance Denied.

### *Disability*

Case: Kasher 1

Whether or not the employer had just cause to discharge an employee who refused to return to work after medical leave? Grievance Denied.

### *Discharge*

Case: Abernethy 1

Whether or not the employer had just cause to discharge an employee who falsified overtime? Grievance Granted.

Case: Abernethy 3

Whether or not the employer had just cause to discharge the employee for several safety violations? Grievance Denied.

Case: Abernethy 5

Whether or not the employer had just cause to discharge an employee for falsifying time cards and punching out other employees? Grievance Denied.

Case: Ables 2

Whether or not the employer had just cause to discharge an employee who tested positive for illegal drugs? Grievance Denied in part.

Case: Bloch 1

Whether or not the employer had just cause to discharge an employee who tested positive for illegal drugs? Grievance Denied.

Case: Bocken 1

Whether or not the employer had just cause to discharge an employee for taking unauthorized absences? Grievance Denied.

Case: Bocken 2

Whether or not the employer had just cause to discharge an employee for harassing and threatening another employee? Grievance Denied.

Case: Bocken 3

Whether or not the employer had just cause to discharge an employee for striking and threatening another employee? Grievance Denied.

Case: Bocken 4

Whether or not the employer had just cause to discharge an employee for excessive absences? Grievance Denied.

Case: Bocken 5

Whether or not the employer had just cause to discharge an employee for not accepting a transfer position while on light duty assignment? Grievance Granted.

Case: Bocken 8

Whether or not the employer had just cause to dismiss an employee for punching out the time cards of five other employees? Grievance Denied.

Case: Boyer Jr. 3

Whether or not the employer had just cause to discharge an employee who removed materials from a dumpster for personal use? Grievance Granted.

Case: Boyer Jr. 4

Whether or not the employer had just cause to discharge an employee for taking mini liquor bottles from the employer for a party? Grievance Granted.

Case: Chairman 1

Whether or not the employer had just cause to discharge an employee for theft? Grievance Denied.



Case: Cohen 1

Whether or not the employer had just cause to discharge an employee for threatening the life of his supervisor? Grievance Denied.

Case: Damon Jr. 1

Whether or not the employer had just cause to discharge an employee for sleeping on the job? Grievance Denied.

Case: Denenberg 1

Whether or not the employer had just cause to discharge an employee for multiple performance problems and misconduct? Grievance Denied.

Case: Denenberg 2

Whether or not the employer had just cause to discharge an employee for repeated absences without proper notification? Grievance Granted.

Case: Denenberg 3

Whether or not the employer had just cause to discharge an employee for several performance problems and safety infractions? Grievance Denied.

Case: Denenberg 4

Whether or not the employer has just cause to discharge an employee for writing threatening comments about a supervisor in a common area? Grievance Granted.

Case: Densenberg 1

Whether or not the employer had just cause to discharge an employee for theft? Grievance Denied.

Case: Densenberg 2

Whether or not the employee received a fair investigation and was discharged for just cause (theft)? Grievance Granted.

Case: Fredenberger Jr. 1

Whether or not the employee was discharged for just cause when he failed to follow fueling regulations? Grievance Denied.

Case: Gentile 2

Whether or not the employer had just cause to discharge a 25 year employee for theft and dishonesty? Grievance Denied.

Case: Gentile 3

Whether or not the employer had just cause to discharge an employee for dependability issues? Grievance denied.

Case: Gilson 1

Whether or not the employee was discharged for just cause (theft)? Grievance Denied.

Case: Gilson 3

Whether or not the employer had just cause to discharge an employee who had been involved in multiple confrontations and had made threats to others? Grievance Denied.

Case: Harris 1

Whether or not the employer had just cause to discharge an employee for leaving work without talking to a supervisor? Grievance Denied.

Case: Harris 2

Whether or not the employer had just cause to discharge an employee for vandalizing cars in the parking lot? Grievance Denied

Case: Heekin 1

Whether or not the employer had just cause to discharge an employee for multiple offenses of insubordination and destruction of employer property? Grievance Denied.

Case: Heekin 2

Whether or not the employer has to accept a grievance that was not filed in a timely fashion? Grievance Denied.

Case: Helburn 1

Whether or not the employer had just cause to discharge an employee for taxiing a plane without approval, in the company of a non-employee? Grievance Granted.

Case: Helburn 2

Whether or not the employer had just cause to discharge an employee who was caught stealing gas, and trying to cover it up? Grievance Denied.

Case: Hockenberry 1

Whether or not the employer had just cause to discharge an employee who was caught falsifying a worker's compensation claim? Grievance Denied.

Case: Horowitz 1

Whether or not the employer had just cause to discharge an employee who was absent for a prolonged period without properly notifying management? Grievance Denied.

Case: Horowitz 2

Whether or not the employer had just cause to discharge an employee who had been on medical leave for two years, and was not permitted to return to work? Grievance Denied.

Case: Horowitz 3

Whether or not the employer had just cause to discharge an employee who was caught sleeping on the job, after receiving a previous discipline? Grievance Denied.

Case: Horowitz 4

Whether or not the employer had just cause to discharge an employee who wrote discriminatory and threatening graffiti messages on the company's bathroom stalls? Grievance Denied.

Case: Jones 1

Whether or not the employer had just cause to discharge an employee who reported to work intoxicated? Grievance Denied.

Case: Kasher 1

Whether or not the employer had just cause to terminate an employee who refused to return to work after medical leave? Grievance Denied.

Case: Larocco 1

Whether or not the employer had just cause to discharge an employee for threatening a coworker, and attempting to hit her? Grievance Denied.

Case: Kasher 1

Whether or not the employer had just cause to discharge an employee who refused to return to work after medical leave? Grievance Denied.

Case: Liebowitz 1

Whether or not the employer had just cause to discharge an employee for selling companion prices to non-employees and making a profit? Grievance Granted in part.

Case: Libkuman 1

Whether or not the employer had just cause to discharge an employee for re-using flight coupons and depriving the company of revenue? Grievance Denied.

Case: Muessig 1

Whether or not the employer had just cause to discharge an employee for excessive absences? Grievance Denied.

Case: Muessig 3

Whether or not the employer had just cause to discharge an employee who made death threats to managers and coworkers? Grievance Denied.

Case: Nevins 1

Whether or not the employer had just cause to discharge an employee who was seen eating food that belonged to the Employer, and perceived as being threatening when caught? Grievance Denied.

Case: Nevins 2

Whether or not the employer had just cause to discharge an employee for using profanity and intimidating coworkers? Grievance Granted.

Case: Nevins 3

Whether or not the employer had just cause to discharge an employee for shipping a package and charging it to the employer's account? Grievance Denied.

Case: Nevins 5

Whether or not the employer had just cause to discharge an employee who made remarks that were considered threatening to a supervisor? Grievance Granted.

Case: Nevins 6

Whether or not the employer had just cause to discharge an employee for engaging in conduct that is detrimental to the employer's relationship with customers? Grievance Denied.

Case: Nevins 7

Whether or not the employer had just cause to discharge an employee, on the accelerated drug testing program, who did not come in on her day off for a drug test? Grievance granted.

Case: O'Brien 1

Whether or not the employer had just cause to discharge an employee who refused to return to work after a medical leave? Grievance Denied.

Case: O'Brien 2

Whether or not the employer had just cause to discharge an employee for remaining on medical leave despite an ability to return to work? Grievance Denied.

Case: Parnell 1

Whether or not the employer had just cause to discharge an employee for punching out other employees' time cards? Grievance Denied.

Case: Parnell 2

Whether or not the employer had just cause to discharge an employee for not reporting sales and losing deposits? Grievance Denied.

Case: Parnell 3

Whether or not the employer had just cause to discharge an employee for falsification of sick leave? Grievance Denied.

Case: Popular II

Whether or not the employer had just cause to discharge an employee for excessive absences? Grievance granted in part and denied in part.

Case: Rubin 1

Whether or not the employer had just cause to discharge an employee for leaving the work area after excessive absences? Grievance Denied.

Case: Seidenberg 1

Whether or not the employer had just cause to terminate an employee for filing false reimbursement reports for his stay at a motel during relocation? Grievance Granted in part.

Case: Shaw 1

Whether or not the employer had just cause to discharge an employee who did not follow the sick day call-in procedures? Grievance Granted.

Case: Van Wart

Whether or not the employer had just cause to discharge an employee for calling in sick when he was approved to work by his physician? Grievance Denied.

Case: Williams 1

Whether or not the employer had just cause to discharge an employee who did not provide medical documentation for his absences? Grievance Denied.

Case: Witt 1

Whether or not the employer had just cause to suspend and discharge an employee for performance problems and threatening supervisors? Grievance Denied.

Case: Wittenberg 1

Whether or not the employer had just cause to discharge an employee who falsified his reasons for the use of sick leave? Grievance Denied.

Case: Wittenberg 2

Whether or not the employer had just cause to discharge an employee for misuse of pass privileges? Grievance Denied.

Case: Wittenberg 3

Whether or not the employer had just cause to discharge an employee for attendance problems associated with alcoholism? Grievance Denied.

Case: Zigman 3

Whether or not the employer had just cause to discharge an employee for accepting worker's compensation benefits, although he did not follow the doctor's prescribed orders and did not return to work when able? Grievance Denied.

Case: Zigman 4

Whether or not the employer had just cause to discharge an employee for getting into a physical altercation with another employee? Grievance Denied.

Case: Zigman 5

Whether or not the employer had just cause to discharge an employee for physically assaulting another employee? Grievance Denied.

Case: Zumas 1

Whether or not the employer had just cause to discharge an employee for failure to return to light duty after medical leave? Grievance Denied.

Case: Zumas 2

Whether or not the employer had just cause to discharge an employee for removing passenger's items from a plane, and not reporting them to lost and found? Grievance Denied.

### *Discrimination*

Case: Muessig 3

Whether or not the employer had just cause to discharge an employee who made death threats to managers and coworkers? Grievance Denied.

### *Dishonesty*

Case: Nevins 3

Whether or not the employer had just cause to discharge an employee for shipping a package and charging it to the employer's account? Grievance Denied.

Case: Seidenberg 1

Whether or not the employer had just cause to terminate an employee for filing false reimbursement reports for his stay at a motel during relocation? Grievance Granted in part.

Case: Wittenberg 2

Whether or not the employer had just cause to discharge an employee for misuse of pass privileges? Grievance Denied.

Case: Zigman 3

Whether or not the employer had just cause to discharge an employee for accepting worker's compensation benefits, although he did not follow the doctor's prescribed orders and did not return to work when able? Grievance Denied.

### *Dress Code*

Case: Abernethy 2

Whether or not the employer violated the Agreement by forcing employees to wear shoes they were not reimbursed for? Grievance Denied.

Case: Edgett 1

Whether or not the employer violated the agreement by requiring an employee to remove a T-shirt that was believed to be offensive? Grievance Denied.

### **Drug Testing**

Case: Ables 2

Whether or not the employer had just cause to discharge an employee who tested positive for illegal drugs? Grievance Denied in part.

Case: Bloch 1

Whether or not the employer had just cause to discharge an employee who tested positive for illegal drugs? Grievance Denied.

Case: Nevins 7

Whether or not the employer had just cause to discharge an employee, on the accelerated drug testing program, who did not come in on her day off for a drug test? Grievance granted.

### **Due Process**

Case: Ables 1

Whether or not the employee received a fair and impartial hearing? Grievance Granted.

Case: Bocken 7

Whether or not the employee received a fair and impartial hearing? Grievance Denied

### **Failure to Report after Medical Leave**

Case: Heekin 2

Whether or not the employer has to accept a grievance that was not filed in a timely fashion? Grievance Denied.

Case: Kasher 1

Whether or not the employer had just cause to discharge an employee who refused to return to work after medical leave? Grievance Denied.

Case: Zumas 1

Whether or not the employer had just cause to discharge an employee for failure to return to light duty after medical leave? Grievance Denied.

### **Falsification of Records**

Case: Abernethy 1

Whether or not the employer had just cause to discharge an employee who falsified overtime? Grievance Granted.

Case: Bocken 1

Whether or not the employer had just cause to discharge an employee for taking unauthorized absences? Grievance Denied.

### **Falsifying Time Cards**

Case: Abernethy 5

Whether or not the employer had just cause to discharge an employee for falsifying time cards and punching out other employees? Grievance Denied.

Case: Bocken 8

Whether or not the employer had just cause to dismiss an employee for punching out the time cards of five other employees? Grievance Denied.

Case: Parnell 1

Whether or not the employer had just cause to discharge an employee for punching out other employees' time cards? Grievance Denied.

### **Fraud**

Case: Hockenberry 1

Whether or not the employer had just cause to discharge an employee who was caught falsifying a worker's compensation claim? Grievance Denied.

Case: Seidenberg 1

Whether or not the employer had just cause to terminate an employee for filing false reimbursement reports for his stay at a motel during relocation? Grievance Granted in part.

Case: Van Wart

Whether or not the employer had just cause to discharge an employee for calling in sick when he was approved to work by his physician? Grievance Denied.

### **Gainful Employment**

Case: Render 1

Whether or not the employee resigned from his employment by participating in "gainful employment" while on medical leave? Grievance Denied.



## *Health Insurance*

Case: Feigenbaum 1

Whether or not the employer violated the agreement by changing the basis for employer health care contribution calculations? Grievance Granted

Case: Zigman 1

Whether or not the employer violated the agreement when it refused to offer dual medical coverage to a full time employee and his wife (a part time employee)? Grievance Denied.

## *Holidays*

Case: Edgett 2

Whether or not the employer violated the contract by not scheduling the more senior employees (who were available for light duty) to work a holiday? Grievance Denied.

Case: Simeri 2

Whether or not the employer **violated the contract** when it changed the way it paid **holiday pay** for Memorial Day?  
Grievance Denied.

## *Insubordination*

Case: Chairman 1

Whether or not the employer had just cause to discharge an employee for theft? Grievance Denied.

Case: Fredenberger Jr. 1

Whether or not the employee was discharged for just cause when he failed to follow fueling regulations? Grievance Denied.

Case: Gootnick 2

Whether or not the employer had just cause to issue a written warning to an Employee for insubordination? Grievance Denied.

Case: Heekin 1

Whether or not the employer had just cause to discharge an employee for multiple offenses of insubordination and destruction of employer property? Grievance Denied.

Case: Nevins 5

Whether or not the employer had just cause to discharge an employee who made remarks that were considered threatening to a supervisor? Grievance Granted.

Case: Zumas 1

Whether or not the employer had just cause to discharge an employee for failure to return to light duty after medical leave? Grievance Denied.

### **Intoxication**

Case: Jones 1

Whether or not the employer had just cause to discharge an employee who reported to work intoxicated? Grievance Denied.

### **Job Performance**

Case: Boyer Jr. 2

Whether or not the employee was discharged for just cause, due to his chronic performance problems? (The award discusses progressive discipline in detail.) Grievance Denied.

Case: Denenberg 1

Whether or not the employer had just cause to discharge an employee for multiple performance problems and misconduct? Grievance Denied.

Case: Denenberg 3

Whether or not the employer had just cause to discharge an employee for several performance problems and safety infractions? Grievance Denied.

Case: Lane 1

Whether or not the employer had just cause to suspend an employee for three days due to improper job performance? Grievance Denied.

Case: Witt 1

Whether or not the employer had just cause to suspend and discharge an employee for performance problems and threatening supervisors? Grievance Denied.

### **Just Cause**

Case: Abernethy 1

Whether or not the employer had just cause to discharge an employee who falsified overtime? Grievance Granted.

Case: Abernethy 3

Whether or not the employer had just cause to discharge the employee for several safety violations? Grievance Denied.

Case: Abernethy 5

Whether or not the employer had just cause to discharge an employee for falsifying time cards and punching out other employees? Grievance Denied.

Case: Ables 2

Whether or not the employer had just cause to discharge an employee who tested positive for illegal drugs? Grievance Denied in part.

Case: Bloch 1

Whether or not the employer had just cause to discharge an employee who tested positive for illegal drugs? Grievance Denied.

Case: Bloch 3

Whether or not the employer had just cause to discharge an employee for stealing a microwave? Grievance Denied.

Case: Bocken 1

Whether or not the employer had just cause to discharge an employee for taking unauthorized absences? Grievance Denied.

Case: Bocken 2

Whether or not the employer had just cause to discharge an employee for harassing and threatening another employee? Grievance Denied.

Case: Bocken 3

Whether or not the employer had just cause to discharge an employee for striking and threatening another employee? Grievance Denied.

Case: Bocken 4

Whether or not the employer had just cause to discharge an employee for excessive absences? Grievance Denied.

Case: Bocken 5

Whether or not the employer had just cause to discharge an employee for not accepting a transfer position while on light duty assignment? Grievance Granted.

Case: Bocken 8

Whether or not the employer had just cause to dismiss an employee for punching out the time cards of five other employees? Grievance Denied.

Case: Boyer Jr. 2

Whether or not the employee was discharged for just cause, due to his chronic performance problems? (The award discusses progressive discipline in detail.) Grievance Denied.

Case: Boyer Jr. 3

Whether or not the employer had just cause to discharge an employee who removed materials from a dumpster for personal use? Grievance Granted.

Case: Boyer Jr. 4

Whether or not the employer had just cause to discharge an employee for taking mini liquor bottles from the employer for a party? Grievance Granted.

Case: Chairman 1

Whether or not the employer had just cause to discharge an employee for theft? Grievance Denied.

Case: Cohen 1

Whether or not the employer had just cause to discharge an employee for threatening the life of his supervisor? Grievance Denied.

Case: Damon Jr. 1

Whether or not the employer had just cause to discharge an employee for sleeping on the job? Grievance Denied.

Case: Denenberg 1

Whether or not the employer had just cause to discharge an employee for multiple performance problems and misconduct? Grievance Denied.

Case: Denenberg 2

Whether or not the employer had just cause to discharge an employee for repeated absences without proper notification? Grievance Granted.

Case: Denenberg 3

Whether or not the employer had just cause to discharge an employee for several performance problems and safety infractions? Grievance Denied.

Case: Denenberg 4

Whether or not the employer has just cause to discharge an employee for writing threatening comments about a supervisor in a common area? Grievance Granted.

Case: Densenberg 1

Whether or not the employer had just cause to discharge an employee for theft? Grievance Denied.

Case: Densenberg 2

Whether or not the employee received a fair investigation and was discharged for just cause (theft)? Grievance Granted.

Case: Fisher 1

Whether or not the conditional resignation of the employee took effect after he was accused of sleeping on the job? Grievance Denied. (Note: The employee signed a sudden death/last chance agreement that stated he would resign if he was caught sleeping again. He was caught sleeping again so the arbitrator found that his letter of resignation was valid.)

Case: Fredenberger Jr. 1

Whether or not the employee was discharged for just cause when he failed to follow fueling regulations? Grievance Denied.

Case: Gentile 1

Whether or not the employer had just cause to discipline the employee for misuse of sick leave? Grievance granted.

Case: Gentile 2

Whether or not the employer had just cause to discharge a 25 year employee for theft and dishonesty? Grievance Denied.

Case: Gentile 3

Whether or not the employer had just cause to discharge an employee for dependability issues? Grievance denied.

Case: Gilson 1

Whether or not the employee was discharged for just cause (theft)? Grievance Denied.

Case: Gilson 3

Whether or not the employer had just cause to discharge an employee who had been involved in multiple confrontations and had made threats to others? Grievance Denied.

Case: Gootnick 2

Whether or not the employer had just cause to issue a written warning to an Employee for insubordination? Grievance Denied.

Case: Harris 1

Whether or not the employer had just cause to discharge an employee for leaving work without talking to a supervisor? Grievance Denied.

Case: Harris 2

Whether or not the employer had just cause to discharge an employee for vandalizing cars in the parking lot? Grievance Denied

Case: Heekin 1

Whether or not the employer had just cause to discharge an employee for multiple offenses of insubordination and destruction of employer property? Grievance Denied.

Case: Heekin 2

Whether or not the employer has to accept a grievance that was not filed in a timely fashion?  
Grievance Denied.

Case: Helburn 1

Whether or not the employer had just cause to discharge an employee for taxiing a plane without approval, in the company of a non-employee? Grievance Granted.

Case: Helburn 2

Whether or not the employer had just cause to discharge an employee who was caught stealing gas, and trying to cover it up? Grievance Denied.

Case: Hockenberry 1

Whether or not the employer had just cause to discharge an employee who was caught falsifying a worker's compensation claim? Grievance Denied.

Case: Horowitz 1

Whether or not the employer had just cause to discharge an employee who was absent for a prolonged period without properly notifying management? Grievance Denied.

Case: Horowitz 2

Whether or not the employer had just cause to discharge an employee who had been on medical leave for two years, and was not permitted to return to work? Grievance Denied.

Case: Horowitz 3

Whether or not the employer had just cause to discharge an employee who was caught sleeping on the job, after receiving a previous discipline? Grievance Denied.

Case: Horowitz 4

Whether or not the employer had just cause to discharge an employee who wrote discriminatory and threatening graffiti messages on the company's bathroom stalls? Grievance Denied.

Case: Jones 1

Whether or not the employer had just cause to discharge an employee who reported to work intoxicated? Grievance Denied.

Case: Kasher 1

Whether or not the employer had just cause to discharge an employee who refused to return to work after medical leave? Grievance Denied.

Case: Liebowitz 1

Whether or not the employer had just cause to discharge an employee for selling companion prices to non-employees and making a profit? Grievance Granted in part.

Case: Libkuman 1

Whether or not the employer had just cause to discharge an employee for re-using flight coupons and depriving the company of revenue? Grievance Denied.

Case: Muessig 3

Whether or not the employer had just cause to discharge an employee who made death threats to managers and coworkers? Grievance Denied.

Case: Nevins 1

Whether or not the employer had just cause to discharge an employee who was seen eating food that belonged to the Employer, and perceived as being threatening when caught? Grievance Denied.

Case: Nevins 2

Whether or not the employer had just cause to discharge an employee for using profanity and intimidating coworkers? Grievance Granted.

Case: Nevins 3

Whether or not the employer had just cause to discharge an employee for shipping a package and charging it to the employer's account? Grievance Denied.

Case: Nevins 5

Whether or not the employer had just cause to discharge an employee who made remarks that were considered threatening to a supervisor? Grievance Granted.

Case: Nevins 6

Whether or not the employer had just cause to discharge an employee for engaging in conduct that is detrimental to the employer's relationship with customers? Grievance Denied.

Case: Nevins 7

Whether or not the employer had just cause to discharge an employee, on the accelerated drug testing program, who did not come in on her day off for a drug test? Grievance granted.

Case: O'Brien 1

Whether or not the employer had just cause to discharge an employee who refused to return to work after a medical leave? Grievance Denied.

Case: O'Brien 2

Whether or not the employer had just cause to discharge an employee for remaining on medical leave despite an ability to return to work? Grievance Denied.

Case: Parnell 1

Whether or not the employer had just cause to discharge an employee for punching out other employees' time cards? Grievance Denied.

Case: Parnell 2

Whether or not the employer had just cause to discharge an employee for not reporting sales and losing deposits? Grievance Denied.

Case: Parnell 3

Whether or not the employer had just cause to discharge an employee for falsification of sick leave? Grievance Denied.

Case: Popular II

Whether or not the employer had just cause to discharge an employee for excessive absences? Grievance granted in part and denied in part.

Case: Rubin 1

Whether or not the employer had just cause to discharge an employee for leaving the work area after excessive absences? Grievance Denied.

Case: Seidenberg 1

Whether or not the employer had just cause to terminate an employee for filing false reimbursement reports for his stay at a motel during relocation? Grievance Granted in part.

Case: Shaw 1

Whether or not the employer had just cause to discharge an employee who did not follow the sick day call-in procedures? Grievance Granted.

Case: Van Wart

Whether or not the employer had just cause to discharge an employee for calling in sick when he was approved to work by his physician? Grievance Denied.

Case: Walsh 1

Whether or not the employer had just cause to suspend an employee for acting aggressively towards other employees? Grievance Denied.

Case: Williams 1

Whether or not the employer had just cause to discharge an employee who did not provide medical documentation for his absences? Grievance Denied.

Case: Wittenberg 1

Whether or not the employer had just cause to discharge an employee who falsified his reasons for the use of sick leave? Grievance Denied.

Case: Wittenberg 2

Whether or not the employer had just cause to discharge an employee for misuse of pass privileges? Grievance Denied.

Case: Wittenberg 3



Whether or not the employer had just cause to discharge an employee for attendance problems associated with alcoholism? Grievance Denied.

Case: Zigman 3

Whether or not the employer had just cause to discharge an employee for accepting worker's compensation benefits, although he did not follow the doctor's prescribed orders and did not return to work when able? Grievance Denied.

Case: Zigman 4

Whether or not the employer had just cause to discharge an employee for getting into a physical altercation with another employee? Grievance Denied.

Case: Zigman 5

Whether or not the employer had just cause to discharge an employee for physically assaulting another employee? Grievance Denied.

Case: Zumas 1

Whether or not the employer had just cause to discharge an employee for failure to return to light duty after medical leave? Grievance Denied.

Case: Zumas 2

Whether or not the employer had just cause to discharge an employee for removing passenger's items from a plane, and not reporting them to lost and found? Grievance Denied.

### *Last Chance Agreement (Sudden Death)*

Case: Fisher 1

Whether or not the conditional resignation of the employee took effect after he was accused of sleeping on the job? Grievance Denied. (Note: The employee signed a sudden death/last chance agreement that stated he would resign if he was caught sleeping again. He was caught sleeping again so the arbitrator found that his letter of resignation was valid.)

Case: Nevins 6

Whether or not the employer had just cause to discharge an employee for engaging in conduct that is detrimental to the employer's relationship with customers? Grievance Denied.

### *Leave of Absence*

Case: Bocken 1

Whether or not the employer had just cause to discharge an employee for taking unauthorized absences? Grievance Denied.

Case: Creo 1

Whether or not the employer violated the agreement when it refused to pay employees their accrued vacation pay after going out of business? Grievance Granted.

Case: Gentile 1

Whether or not the employer had just cause to discipline the employee for misuse of sick leave? Grievance granted.

Case: Gentile 2

Whether or not the employer had just cause to discharge a 25 year employee for theft and dishonesty? Grievance Denied.

Case: Horowitz 2

Whether or not the employer had just cause to discharge an employee who had been on medical leave for two years, and was not permitted to return to work? Grievance Denied.

Case: Lane 1

Whether or not the employer had just cause to suspend an employee for three days due to improper job performance? Grievance Denied.

Case: Larocco 1

Whether or not the employer had just cause to discharge an employee for threatening a coworker, and attempting to hit her? Grievance Denied.

Case: Muessig 1

Whether or not the employer had just cause to discharge an employee for excessive absences? Grievance Denied.

Case: Muessig 2

Whether or not the employer had just cause to suspend an employee without pay who was being tried for child molestation, and should the employee receive back pay after being found innocent? Grievance Granted.

Case: Steinberg 1

Whether or not an employee, who transferred back into the bargaining unit from management, is entitled to eight additional vacation days? Grievance Granted.

Case: Van Wart

Whether or not the employer had just cause to discharge an employee for calling in sick when he was approved to work by his physician? Grievance Denied.

Case: Wittenberg 4

Whether or not the employer violated the contract when it refused to grant occupational leave time to an employee? Grievance Granted in part/denied in part.

### *Letter of Understanding*

Case: Dunsford 1

Whether or not the adopted Letter of Agreement suspends pay progressions for one year from each individual employee's date of hire? Grievance Denied.

### *Light Duty*

Case: Edgett 2

Whether or not the employer violated the contract by not scheduling the more senior employees (who were available for light duty) to work a holiday? Grievance Denied.

### *Management Rights*

Case: Abernethy 4

Whether or not the employer violated the contract by issuing an employee from a merged company an Employer seniority date and classification seniority date different from that suggested by the Union?  
Grievance Denied.

Case: Eischen 1

Whether or not the employer violated the CBA by establishing a minimum qualification for lead mechanic position? Grievance Denied.

Case: Epstein 1

Whether or not the employer violated the CBA by refusing to accept the resignation of an employee from the Crash and Fire Rescue Crew in order to be in compliance with federal regulations? Grievance Denied.

Case: Holden 1

Whether or not the employer had just cause to subcontract out bargaining unit work? Grievance Denied.

Case: Popular II 1

Whether or not the employer has the right to require compulsory overtime? Grievance Denied.

Case: Zumas 3

Whether or not the employer unfairly disqualified an employee from overtime hours? Grievance denied.

### **Medical Exams**

Case: Kasher 1

Whether or not the employer had just cause to discharge an employee who refused to return to work after medical leave? Grievance Denied.

### **Mergers**

Case: Abernethy 4

Whether or not the employer violated the contract by issuing an employee from a merged company an Employer seniority date and classification seniority date different from that suggested by the Union? Grievance Denied.

### **Misconduct**

Case: Damon Jr. 1

Whether or not the employer had just cause to discharge an employee for sleeping on the job? Grievance Denied.

Case: Denenberg 1

Whether or not the employer had just cause to discharge an employee for multiple performance problems and misconduct? Grievance Denied.

### **Misuse of Benefits**

Case: Liebowitz 1

Whether or not the employer had just cause to discharge an employee for selling companion prices to non-employees and making a profit? Grievance Granted in part.

Case: Wittenberg 2

Whether or not the employer had just cause to discharge an employee for misuse of pass privileges? Grievance Denied.

### **Mitigating Circumstances**

Case: Denenberg 2

Whether or not the employer had just cause to discharge an employee for repeated absences without proper notification? Grievance Granted.

Case: Gentile 2

Whether or not the employer had just cause to discharge a 25 year employee for theft and dishonesty? Grievance Denied.

Case: Gentile 3

Whether or not the employer had just cause to discharge an employee for dependability issues? Grievance denied.

Case: Muessig 3

Whether or not the employer had just cause to discharge an employee who made death threats to managers and coworkers? Grievance Denied.

### *Non-precedence Clause*

Case: Parnell 2

Whether or not the employer had just cause to discharge an employee for not reporting sales and losing deposits? Grievance Denied.

### *No Smoking Policy*

Case: Vernon 1

Whether or not the employer is violated the contract by not allowing employees to continue to smoke in the maintenance facilities? Grievance Denied.

### *Obey Now, Grieve Later*

Case: Zumas 1

Whether or not the employer had just cause to discharge an employee for failure to return to light duty after medical leave? Grievance Denied.

### *Obscene and Indecent Conduct*

Case: Horowitz 4

Whether or not the employer had just cause to discharge an employee who wrote discriminatory and threatening graffiti messages on the company's bathroom stalls? Grievance Denied.

## *Overtime*

Case: Muessig 4

Whether or not the employer violated the Agreement when an employee, with the least amount of overtime worked, was bypassed for overtime hours, and what should be the remedy?

Grievance Granted in part.

Case: Popular II 1

Whether or not the employer has the right to require compulsory overtime? Grievance Denied.

Case: Zumas 3

Whether or not the employer unfairly disqualified an employee from overtime hours? Grievance denied.

## *Past Practice*

Case: Abernethy 2

Whether or not the employer violated the Agreement by forcing employees to wear shoes they were not reimbursed for? Grievance Denied.

Case: Bocken 6

Whether or not the employer violate the seniority provision of the CBA by not granting an open position to the senior employee, because he failed of follow proper application procedures?

Grievance Denied.

Case: Bocken 8

Whether or not the employer had just cause to dismiss an employee for punching out the time cards of five other employees? Grievance Denied.

Case: Buchheit 1

Whether or not the employer violated the CBA by posting a position that had not been created in accordance with the contract? Grievance Granted. (This opinion also discusses the use of seniority for selection purposes.)

Case: Creo 1

Whether or not the employer violated the agreement when it refused to pay employees their accrued vacation pay after going out of business? Grievance Granted.

Case: Das 1

Whether or not the employer violated the agreement when it did not schedule a Lead Utility man to a shift as required by the Agreement? Grievance Granted.

Case: Feigenbaum 1

Whether or not the employer violated the agreement by changing the basis for employer health care contribution calculations? Grievance Granted.

Case: Epstein 1

Whether or not the employer violated the CBA by refusing to accept the resignation of an employee from the Crash and Fire Rescue Crew in order to be in compliance with federal regulations? Grievance Denied.

Case: Liebowitz 1

Whether or not the employer had just cause to discharge an employee for selling companion prices to non-employees and making a profit? Grievance Granted in part.

Case: Popular II 1

Whether or not the employer has the right to require compulsory overtime? Grievance Denied.

Case: Sickles 2

Whether or not the employer needs to provide a five-day notice to the Union prior to filling a permanent position which results from the filling of a vacancy under the preference system? Grievance Granted.

Case: Vernon 1

Whether or not the employer is violated the contract by not allowing employees to continue to smoke in the maintenance facilities? Grievance Denied.

Case: Zigman 1

Whether or not the employer violated the agreement when it refused to offer dual medical coverage to a full time employee and his wife (a part time employee)? Grievance Denied.

Case: Zigman 2

Whether or not the employer violated the agreement when it assigned an employee a seniority date after working 90 inconsecutive days as a senior agent, instead of the date when he began his trial period? Grievance Granted.

Case: Zumas 3

Whether or not the employer unfairly disqualified an employee from overtime hours? Grievance denied.

Case: Zigman 4

Whether or not the employer had just cause to discharge an employee for getting into a physical altercation with another employee? Grievance Denied.

## *Pay*

Case: Creo 1

Whether or not the employer violated the agreement when it refused to pay employees their accrued vacation pay after going out of business? Grievance Granted.

Case: Dunsford 1

Whether or not the adopted Letter of Agreement suspends pay progressions for one year from each individual employee's date of hire? Grievance Denied.

## *Postings and Promotions*

Case: Bocken 6

Whether or not the employer violate the seniority provision of the CBA by not granting an open position to the senior employee, because he failed of follow proper application procedures? Grievance Denied.

Case: Boyer Jr. 1

Whether or not the Employer violated the CBA when it failed to properly post and fill Lead Mechanic vacancy? Grievance Granted

Case: Buchheit 1

Whether or not the employer violated the CBA by posting a position that had not been created in accordance with the contract? Grievance Granted. (This opinion also discusses the use of seniority for selection purposes.)

Case: Eischen 1

Whether or not the employer violated the CBA by establishing a minimum qualification for lead mechanic position? Grievance Denied.

Case: Nevins 4

Whether or not the employer violated the Agreement by rejecting the more senior employee's bid for a job? Grievance Denied.

Case: Sickles 2

Whether or not the employer needs to provide a five-day notice to the Union prior to filling a permanent position which results from the filling of a vacancy under the preference system? Grievance Granted.

Case: Zigman 2



Whether or not the employer violated the agreement when it assigned an employee a seniority date after working 90 unconservative days as a senior agent, instead of the date when he began his trial period? Grievance Granted.

### *Probationary Period*

Case: Zigman 2

Whether or not the employer violated the agreement when it assigned an employee a seniority date after working 90 inconsecutive days as a senior agent, instead of the date when he began his trial period? Grievance Granted.

### *Progressive Discipline*

Case: Abernethy 3

Whether or not the employer had just cause to discharge the employee for several safety violations? Grievance Denied.

Case: Bocken 4

Whether or not the employer had just cause to discharge an employee for excessive absences? Grievance Denied.

Boyer Jr. 2

Whether or not the employee was discharged for just cause, due to his chronic performance problems? (The award discusses progressive discipline in detail.) Grievance Denied.

Case: Gilson 2

Whether or not the discipline imposed on the employee for failure to use proper judgment and leadership while completing cleaning duties was too severe? Grievance Granted (in part)/ Denied (in part).

### *Profanity*

Case: Nevins 2

Whether or not the employer had just cause to discharge an employee for using profanity and intimidating coworkers? Grievance Granted.

Case: Nevins 5

Whether or not the employer had just cause to discharge an employee who made remarks that were considered threatening to a supervisor? Grievance Granted.

### *Qualifications (Minimum and Tests)*

Case: Eischen 1

Whether or not the employer violated the CBA by establishing a minimum qualification for lead mechanic position? Grievance Denied.

Case: Nevins 4

Whether or not the employer violated the Agreement by rejecting the more senior employee's bid for a job? Grievance Denied.

### *Resignations*

Case: Ables 1

Whether or not the employee received a fair and impartial hearing? Grievance Granted.

Case: Epstein 1

Whether or not the employer violated the CBA by refusing to accept the resignation of an employee from the Crash and Fire Rescue Crew in order to be in compliance with federal regulations? Grievance Denied.

Case: Fisher 1

Whether or not the conditional resignation of the employee took effect after he was accused of sleeping on the job? Grievance Denied. (Note: The employee signed a sudden death/last chance agreement that stated he would resign if he was caught sleeping again. He was caught sleeping again so the arbitrator found that his letter of resignation was valid.)

Case: Render 1

Whether or not the employee resigned from his employment by participating in "gainful employment" while on medical leave? Grievance Denied.

### *Safety*

Case: Abernethy 3

Whether or not the employer had just cause to discharge the employee for several safety violations? Grievance Denied.

Case: Denenberg 3

Whether or not the employer had just cause to discharge an employee for several performance problems and safety infractions? Grievance Denied.

Case: Helburn 1

Whether or not the employer had just cause to discharge an employee for taxiing a plane without approval, in the company of a non-employee? Grievance Granted.

Case: Lane 1

Whether or not the employer had just cause to suspend an employee for three days due to improper job performance? Grievance Denied.

Case: Muessig 2

Whether or not the employer had just cause to suspend an employee without pay who was being tried for child molestation, and should the employee receive back pay after being found innocent? Grievance Granted.

Case: Vernon 1

Whether or not the employer is violated the contract by not allowing employees to continue to smoke in the maintenance facilities? Grievance Denied.

### *Scheduling*

Case: Das 1

Whether or not the employer violated the agreement when it did not schedule a Lead Utility man to a shift as required by the Agreement? Grievance Granted.

### *Seniority*

Case: Abernethy 4

Whether or not the employer violated the contract by issuing an employee from a merged company an Employer seniority date and classification seniority date different from that suggested by the Union?  
Grievance Denied.

Case: Bocken 6

Whether or not the employer violate the seniority provision of the CBA by not granting an open position to the senior employee, because he failed of follow proper application procedures?  
Grievance Denied.

Case: Boyer Jr. 1

Whether or not the Employer violated the CBA when it failed to properly post and fill Lead Mechanic vacancy? Grievance Granted.

Case: Buchheit 1

Whether or not the employer violated the CBA by posting a position that had not been created in accordance with the contract? Grievance Granted. (This opinion also discusses the use of seniority for selection purposes.)

Case: Edgett 2

Whether or not the employer violated the contract by not scheduling the more senior employees (who were available for light duty) to work a holiday? Grievance Denied.

Case: Eischen 1

Whether or not the employer violated the CBA by establishing a minimum qualification for lead mechanic position? Grievance Denied.

Case: Nevins 4

Whether or not the employer violated the Agreement by rejecting the more senior employee's bid for a job? Grievance Denied.

Case: Steinberg 1

Whether or not an employee, who transferred back into the bargaining unit from management, is entitled to eight additional vacation days? Grievance Granted.

Case: Zigman 2

Whether or not the employer violated the agreement when it assigned an employee a seniority date after working 90 inconsecutive days as a senior agent, instead of the date when he began his trial period? Grievance Granted.

### *Seven Tests to Prove Just Cause*

Case: Popular II

Whether or not the employer had just cause to discharge an employee for excessive absences? Grievance granted in part and denied in part.

### *Sexual Harassment*

Case: Ables 1

Whether or not the employee received a fair and impartial hearing? Grievance Granted.

### *Sleeping on the Job*

Case: Damon Jr. 1

Whether or not the employer had just cause to discharge an employee for sleeping on the job? Grievance Denied.

Case: Fisher 1

Whether or not the conditional resignation of the employee took effect after he was accused of sleeping on the job? Grievance Denied. (Note: The employee signed a sudden death/last chance agreement that stated he would resign if he was caught sleeping again. He was caught sleeping again so the arbitrator found that his letter of resignation was valid.)

Case: Horowitz 3

Whether or not the employer had just cause to discharge an employee who was caught sleeping on the job, after receiving a previous discipline? Grievance Denied.

### *Sick Leave*

Case: Bocken 1

Whether or not the employer had just cause to discharge an employee for taking unauthorized absences? Grievance Denied.

Case: Horowitz 2

Whether or not the employer had just cause to discharge an employee who had been on medical leave for two years, and was not permitted to return to work? Grievance Denied.

Case: Parnell 3

Whether or not the employer had just cause to discharge an employee for falsification of sick leave? Grievance Denied.

Case: Van Wart

Whether or not the employer had just cause to discharge an employee for calling in sick when he was approved to work by his physician? Grievance Denied.

Case: Williams 1

Whether or not the employer had just cause to discharge an employee who did not provide medical documentation for his absences? Grievance Denied.

### *Sick Leave Reimbursement*

Case: Zumas 4

Whether or not the grievant is entitled to reinstatement of sick leave for a work related injury? Grievance Denied.

### *Subcontracting*

Case: Bloch 2

Whether or not the employer violated the collective bargaining agreement by selling off its food service operations and not enforcing successorship agreements for the Union employees? Grievance Denied.

Case: Conant 1

Whether or not the System Board of Adjustment has the right to hear a grievance about the assignment of bargaining unit work to foreign employees; and if so, did this assignment violate the collective bargaining agreement? Grievance Denied.

Case: Dunsford 2

Whether or not the employer violated the contract by sub- contracting janitorial work at one of its facilities? Grievance Denied.

Case: Holden 1

Whether or not the employer had just cause to subcontract out bargaining unit work? Grievance Denied.

Case: Sickles 1

Whether or not the employer violated the agreement when it subcontracted electrical work, instead of using bargaining unit employees for the job? Grievance Denied.

Case: Simeri 3

Whether or not there was a **contract violation** when the company **subcontracted work** to an outside company?  
Grievance Sustained.

### *Successorship*

Case: Bloch 2

Whether or not the employer violated the collective bargaining agreement by selling off its food service operations and not enforcing successorship agreements for the Union employees?  
Grievance Denied.

Case: Creo 1

Whether or not the employer violated the agreement when it refused to pay employees their accrued vacation pay after going out of business? Grievance Granted.

### *Suspension*

Case: Lane 1

Whether or not the employer had just cause to suspend an employee for three days due to improper job performance? Grievance Denied.

Case: Muessig 2

Whether or not the employer had just cause to suspend an employee without pay who was being tried for child molestation, and should the employee receive back pay after being found innocent? Grievance Granted.

Case: Simeri 4

Whether or not the employer had **just cause** for a **one-day suspension** for employees vulgar language?  
Grievance denied in part and sustained in part.

Case: Walsh 1

Whether or not the employer had just cause to suspend an employee for acting aggressively towards other employees? Grievance Denied.

Case: Witt 1

Whether or not the employer had just cause to suspend and discharge an employee for performance problems and threatening supervisors? Grievance Denied.

### *Temporary Work Assignments*

Case: Boyer Jr. 1

Whether or not the Employer violated the CBA when it failed to properly post and fill Lead Mechanic vacancy? Grievance Granted

### *Theft*

Case: Bloch 3

Whether or not the employer had just cause to discharge an employee for stealing a microwave? Grievance Denied.

Case: Boyer Jr. 3

Whether or not the employer had just cause to discharge an employee who removed materials from a dumpster for personal use? Grievance Granted.

Case: Boyer Jr. 4

Whether or not the employer had just cause to discharge an employee for taking mini liquor bottles from the employer for a party? Grievance Granted.

Case: Chairman 1

Whether or not the employer had just cause to discharge an employee for theft? Grievance Denied.

Case: Densenberg 1

Whether or not the employer had just cause to discharge an employee for theft? Grievance Denied.

Case: Densenberg 2

Whether or not the employee received a fair investigation and was discharged for just cause (theft)? Grievance Granted.

Case: Gentile 2

Whether or not the employer had just cause to discharge a 25 year employee for theft and dishonesty? Grievance Denied.

Case: Gilson 1

Whether or not the employee was discharged for just cause (theft)? Grievance Denied.

Case: Helburn 2

Whether or not the employer had just cause to discharge an employee who was caught stealing gas, and trying to cover it up? Grievance Denied.

Case: Libkuman 1

Whether or not the employer had just cause to discharge an employee for re-using flight coupons and depriving the company of revenue? Grievance Denied.

Case: Nevins 1

Whether or not the employer had just cause to discharge an employee who was seen eating food that belonged to the Employer, and perceived as being threatening when caught? Grievance Denied.

Case: Nevins 3

Whether or not the employer had just cause to discharge an employee for shipping a package and charging it to the employer's account? Grievance Denied.

Case: Parnell 2

Whether or not the employer had just cause to discharge an employee for not reporting sales and losing deposits? Grievance Denied.

Case: Zumas 2

Whether or not the employer had just cause to discharge an employee for removing passenger's items from a plane, and not reporting them to lost and found? Grievance Denied.

### **Threatening Behavior**

Case: Cohen 1

Whether or not the employer had just cause to discharge an employee for threatening the life of his supervisor? Grievance Denied.

Case: Denenberg 4

Whether or not the employer has just cause to discharge an employee for writing threatening comments about a supervisor in a common area? Grievance Granted.

Case: Edgett 1

Whether or not the employer violated the agreement by requiring an employee to remove a T-shirt that was believed to be offensive? Grievance Denied.

Case: Gilson 3

Whether or not the employer had just cause to discharge an employee who had been involved in multiple confrontations and had made threats to others? Grievance Denied.

Case: Nevins 1



Whether or not the employer had just cause to discharge an employee who was seen eating food that belonged to the Employer, and perceived as being threatening when caught? Grievance Denied.

Case: Witt 1

Whether or not the employer had just cause to suspend and discharge an employee for performance problems and threatening supervisors? Grievance Denied.

### *Timeliness/Timelines of Grievances*

Case: Abernethy 4

Whether or not the employer violated the contract by issuing an employee from a merged company an Employer seniority date and classification seniority date different from that suggested by the Union? Grievance Denied.

Case: Buchheit 1

Whether or not the employer violated the CBA by posting a position that had not been created in accordance with the contract? Grievance Granted. (This opinion also discusses the use of seniority for selection purposes.)

Case: Heekin 2

Whether or not the employer has to accept a grievance that was not filed in a timely fashion? Grievance Denied.

Case: Helburn 1

Whether or not the employer had just cause to discharge an employee for taxiing a plane without approval, in the company of a non-employee? Grievance Granted.

### *Transfers*

Case: Bocken 5

Whether or not the employer had just cause to discharge an employee for not accepting a transfer position while on light duty assignment? Grievance Granted.

Case: Boyer Jr. 1

Whether or not the Employer violated the CBA when it failed to properly post and fill Lead Mechanic vacancy? Grievance Granted

Case: Steinberg 1

Whether or not an employee, who transferred back into the bargaining unit from management, is entitled to eight additional vacation days? Grievance Granted.

### *Weingarten Rights*

Case: Helburn 1

Whether or not the employer had just cause to discharge an employee for taxiing a plane without approval, in the company of a non-employee? Grievance Granted.

### *Work Assignments*

Case: Bocken 5

Whether or not the employer had just cause to discharge an employee for not accepting a transfer position while on light duty assignment? Grievance Granted.

Case: Epstein 1

Whether or not the employer violated the CBA by refusing to accept the resignation of an employee from the Crash and Fire Rescue Crew in order to be in compliance with federal regulations? Grievance Denied.

Case: Gilson 2

Whether or not the discipline imposed on the employee for failure to use proper judgment and leadership while completing cleaning duties was too severe? Grievance Granted (in part)/ Denied (in part).

Case: Gootnick 2

Whether or not the employer had just cause to issue a written warning to an Employee for insubordination? Grievance Denied.

Case: Nevins 6

Whether or not the employer had just cause to discharge an employee for engaging in conduct that is detrimental to the employer's relationship with customers? Grievance Denied.

### *Worker's Compensation Claim*

Case: Hockenberry 1

Whether or not the employer had just cause to discharge an employee who was caught falsifying a worker's compensation claim? Grievance Denied.

Case: Van Wart

Whether or not the employer had just cause to discharge an employee for calling in sick when he was approved to work by his physician? Grievance Denied.

Case: Wittenberg 4

Whether or not the employer violated the contract when it refused to grant occupational leave time to an employee? Grievance Granted in part/denied in part.

Case: Zigman 3

Whether or not the employer had just cause to discharge an employee for accepting worker's compensation benefits, although he did not follow the doctor's prescribed orders and did not return to work when able? Grievance Denied.

Case: Zumas 4

Whether or not the grievant is entitled to reinstatement of sick leave for a work related injury? Grievance Denied.

### *Workplace Violence*

Case: Bocken 2

Whether or not the employer had just cause to discharge an employee for harassing and threatening another employee? Grievance Denied.

Case: Bocken 3

Whether or not the employer had just cause to discharge an employee for striking and threatening another employee? Grievance Denied.

Case: Cohen 1

Whether or not the employer had just cause to discharge an employee for threatening the life of his supervisor? Grievance Denied.

Case: Denenberg 4

Whether or not the employer has just cause to discharge an employee for writing threatening comments about a supervisor in a common area? Grievance Granted.

Case: Gilson 3

Whether or not the employer had just cause to discharge an employee who had been involved in multiple confrontations and had made threats to others? Grievance Denied.

Case: Horowitz 4

Whether or not the employer had just cause to discharge an employee who wrote discriminatory and threatening graffiti messages on the company's bathroom stalls? Grievance Denied.

Case: Larocco 1

Whether or not the employer had just cause to discharge an employee for threatening a coworker, and attempting to hit her? Grievance Denied.

Case: Muessig 3

Whether or not the employer had just cause to discharge an employee who made death threats to managers and coworkers? Grievance Denied.

Case: Walsh 1

Whether or not the employer had just cause to suspend an employee for acting aggressively towards other employees? Grievance Denied.

Case: Zigman 4

Whether or not the employer had just cause to discharge an employee for getting into a physical altercation with another employee? Grievance Denied.

Case: Zigman 5

Whether or not the employer had just cause to discharge an employee for physically assaulting another employee? Grievance Denied.

### **Written Report (Warning)**

Case: Gentile 1

Whether or not the employer had just cause to discipline the employee for misuse of sick leave? Grievance granted.

Case: Gootnick 2

Whether or not the employer had just cause to issue a written warning to an Employee for insubordination? Grievance Denied.