



TEAMSTERS LOCAL UNION 117

Affiliated with the International Brotherhood of Teamsters

General Public and Private Sector Employees and Special Services Employees in King and Pierce Counties and Employees of the State of Washington

January 30, 2020

Ms. Julie Moultime, Labor Relations Manager
Department of Corrections
PO Box 41105
Olympia, WA 98504-1105

Via E-Mail Transmittal Only
teamsters117@doc1.wa.gov - 3101

**Re: All Bargaining Unit Members – Denial of Vacation Selection
Grievance No. 04-20 (Statewide)
Step 1 (Panel Grievance)**

Dear Ms. Moultime:

A grievance has been filed through the Union office as follows:

The Union protests the Department of Corrections's (DOC) unilateral change in the vacation selection process. In accordance with Section 9.1(E)(2), the Union hereby provides the following information relating to this grievance:

- a. The action referenced above constitutes a violation of the Collective Bargaining Agreement (CBA) including, but not limited to, Article 5.2 (Collective Bargaining Obligation), Article 21.6 (Vacation Selection), Article 21.8 (Adequate Leave), Article 21.14 (Selection of Paid Leave), Article 34 (Seniority), and Article 44 (Entire Agreement). During the summer of 2018, while negotiating the 2019-2020 CBA, the DOC proposed changes to the vacation leave provisions of Article 21. Article 21.6 provides, without qualification, that employees can "select up to three (3) segments of available vacation leave during the time period of April 1 through March 31." During bargaining, DOC proposed to limit the amount of time that staff can request to take in one of their three segments. The Union did not agree to DOC's proposal, but the parties were able to reach a compromise that addressed some of DOC's concerns. The parties agreed to change Article 21.6 to limit vacation requests made for the months of June, July, and August to ten (10) consecutive days. In October 2019, the DOC and the Union held a Labor Management Communication Committee (LMCC). The DOC agenda item was to readdress the changes to the Vacation Selection procedure that they did not achieve during bargaining. The parties ended the LMCC with no change or agreement to further alter the CBA. During the 2020 vacation selection, DOC unilaterally changed how staff were able to schedule their vacation leave by denying some staff the ability select three segments of vacation time. DOC unilaterally imposed a new rule on

vacation selection. DOC's new rule is to limit the number of vacation days an employee can bid for based on their vacation accrual. The DOC is raising a different argument that was not raised during negotiations stating Article 21.8 (Adequate Leave) now means that they must have the leave available in order to request vacation time off. The plain text of Article 21.8, however, only requires employees to have adequate vacation leave to cover the absence "when the leave commences." Contrary to DOC's position, there is no requirement in the CBA that employees have adequate leave to cover the absence when the leave is scheduled. We stand ready to provide you with additional facts supporting the Union's position.

- b. The violation is ongoing.
- c. The Union attempted to resolve this grievance informally by speaking with Deputy Director Scott Russell, yet no resolution was reached.
- d. The Union requests a full make-whole remedy including allowing all members who were denied leave requested in their three segments by seniority to request the time off they would have otherwise received and any other relief that is just and equitable.
- e. I will be the Union Representative for this grievance. Please direct all correspondence regarding this grievance to me at the Union Headquarters office.
- f. The Union Representative's signature (or signature on behalf of the Union Representative) appears below.

The Union hopes that this matter can be discussed and settled on an informal basis. With this in mind we would appreciate hearing from you, as soon as possible, to arrange a suitable meeting for a proper review of this issue.

Sincerely,



Sarena Davis
Union Representative Coordinator

SD:hs