



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

October 20, 2020

Ms. Nancy Waldo, 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 Employees – Temporary Layoff Administration
Group Grievance No. 59-20 (Statewide - All Facilities)
Step 1 (Panel Grievance)**

Dear Ms. Waldo:

Without waiving the Union's position that furlough days being imposed by the Department of Corrections (DOC) on our members are a reduction-in-hours rather than a "temporary layoff," which we believe the Department does not have the contractual right to impose, a statewide grievance has been filed through the Union office as follows:

The Union protests the Temporary Layoff (TLO) days imposed on our members statewide and asserts the Department is not adhering to the Collective Bargaining Agreement (CBA) when implementing and administering the TLO days to Local 117 members. In accordance with Article 9.1(E)(2), the Union hereby provides the following information relating to this grievance:

- a. On or about Tuesday, October 6, 2020, the DOC began imposing TLO days on Local 117 members. On October 6, 2020, and continuing, the Union has received reports from members that despite the Department claiming it had the right to impose TLO days under Article 35.4 of the CBA, various provisions of the CBA are not being followed by the DOC in the implementation and administration of those TLO days. Examples of the violations include, but are not limited to:
 - Members were not provided five (5) calendar days' notice nor adequate formal notice of the TLO;
 - When members are on TLO days, DOC is using other classifications of employees to perform the duties of TLO'd members;
 - Junior members are serving less TLO time than more senior members; and
 - Outside contractors and/or non-Teamster employees (including Management) are being utilized to back-fill for Local 117 members who were temporarily laid-off.

The actions referenced above are not all inclusive of the CBA violations by the Department as the Union continues to receive complaints from members and anticipates additional violations if the DOC continues to impose TLOs on 117 members.

- b. The Union began receiving reports of the violation(s) on or about October 6, 2020, and the violations are on-going.
- c. The Union attempted to informally resolve the issue(s) by speaking with Labor Relations Manager Nancy Waldo. To date, the grievance remains unresolved.
- d. The Union requests a full make whole remedy including cease and desist all future TLO days and return to the *status quo ante*, engage in meaningful negotiations with the Union over contractual alternatives to TLO days, issue a make whole remedy for any employees who suffered any loss of compensation because of the violation(s) due to the Department's actions, and any other relief that is just and equitable.
- e. I will be the point of contact for this grievance. Please direct all correspondence regarding this grievance to this me at the Union Headquarters office.
- f. The actions by the Department referenced above constitute a violation of the CBA including, but not limited to: Articles 2, 5, 15, 17, 19, 32, 34, 35 and 45. The Department's denial of compensation and/or reducing compensation to members as a result of TLO days violates Article 32 of the CBA. The Department's use of non-Teamsters employees (including management) to perform bargaining unit work on TLO days violates Article 2 and Article 5 of the CBA and constitutes unlawful "skimming" under RCW 41.80. The Department's unilateral change to mandatory subjects of bargaining (i.e. implementation and administration of furloughs) without completing bargaining violates Article 5 of the CBA and RCW 41.80. The Department's failure to provide five (5) calendar days' notice and/or adequate formal notice of the TLO to members violates Article 35 of the CBA. When the Department determined which employees were subject to the TLO and determined shift adjustments were unnecessary on TLO days, it violated Articles 34 and 35 by imposing TLO hours without including military service credit in seniority calculations, and/or by not using seniority whatsoever. The Department's use of intermittent on-call employees, other classifications of employees, imposing less TLO hours on junior employees than more senior employees, and utilizing outside contractors or non-members to back-fill for Local 117 members on TLO days, violates Articles 15, 17, 19, 32, and 34. The Department's action(s) violate all affected members' rights under the CBA statewide.

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g. My signature (or signature on my behalf) 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,

A handwritten signature in black ink, appearing to read "Michelle Woodrow", with a long horizontal flourish extending to the right.

Michelle Woodrow
President and Executive Director

MW:hs

cc: Eamon McCleery, Teamsters Local 117 Staff Attorney
Local 117 DOC Union Representatives