



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
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August 17, 2015

Ms. Michelle Woodrow, Director of Corrections  
Teamsters Local Union #117  
14675 Interurban Avenue South, Suite 307  
Tukwila, WA 98168

**Sent Via Email Only**

Dear Ms. Woodrow:

On August 3, 2015, I met with you and Michael Boe, Grievant, Cory Laughlin, Grievant, and Talisa Boad, Business Representative to discuss Grievance #37-15. Also present for the meeting were Julie Moultime, Interim Labor Relations Manager and Melia Olsen, Human Resources Manager.

**STATEMENT OF ISSUES:**

You alleged that the Department of Corrections violated Article 32 and Appendix F of the Collective Bargaining Agreement (CBA) when on July 7, 2015, the Department of Corrections (Department) notified the Union of its intent to cease paying assignment pay to classifications identified in Appendix F, Group C of the CBA. The Union asserts that the Department's decision was arbitrary and capricious and therefore a direct violation of the negotiated agreement and interest arbitration decision in Case No. 26673-I-14-0659.

**DISCUSSION:**

At the meeting you presented the following information surrounding the grievance:

- The Union does not believe the Department is interpreting the CBA language correctly.
- When the Union presented their compensation proposal during the interest arbitration hearing, we asked for more than a five percent (5%) increase. Had the Union been awarded what we asked for we would not be here today.
- The crux of this grievance is the Department's decision to eliminate assignment pay was arbitrary and capricious.
- The interest arbitration decision gives the Department discretion to reapply the assignment pay. The Union is asking the Department to reinstate the Class C assignment pay.

**FINDINGS AND DECISION:**

I have carefully and completely reviewed the information you provided to me in the grievance. As I stated throughout our meeting, the decision to eliminate the Group C assignment pay was due to the interest arbitration decision, based on a proposal that Union brought forward.

Arbitrator Lankford awarded a general wage increase of 5.5% in 2015 and 4.3% in 2016. In his decision, he offsets the cost of the general wage increase by eliminating Group C assignment pay. He states in part,

“The overall initial cost of the general rate increases awarded here are therefore reduce by the prior cost of the location differentials, which DOC takes to have been about \$9.5 million and by the a part of the projected costs of DOC’s own range increases set out above.”

It is clear by the plain language of the interest arbitration award that Arbitrator Lankford intended to eliminate Group C assignment pay. However, the award also gave DOC the discretion to apply these premiums where needed during the life of the agreement. The arbitrator further defined DOC’s discretion by stating:

“At its discretion” means that the only permissible grievance of such a decision is limited to whether or not the decision in question was arbitrary and capricious or violated the express terms of this provision.”

On June 3, 2015, DOC and Office of Financial Management’s State Human Resources met to review the recruitment and retention data for Teamsters job classifications that were currently receiving assignment pay. During that review, DOC determined that LPN2’s and Psychologist 4’s job classifications were experiencing heightened turnover ranging from 14.5%-37.4% for LPN2’s and 100% for Psychologist 4’s. The remaining job classifications that were receiving Group C assignment pay in accordance with the 2013-2015 CBA were experiencing lower turnover numbers.

Job Classification	Location	Turnover FY14	Turnover FY15
Classification Counselor 1	CRCC	0 positions	0 positions
Classification Counselor 1	MCC	0 positions	0 positions
Classification Counselor 1	WSP	0 positions	0 positions
Classification Counselor 2	CRCC	9.8%	9.2%
Classification Counselor 2	MCC	0%	6.3%
Classification Counselor 2	WSP	0%	0%
Classification Counselor 3	CRCC	0%	0%
Classification Counselor 3	MCC	0%	5.3%
Classification Counselor 3	WSP	0%	0%
CO1 (positions are all in-training)	CRCC	0 positions	0 positions
CO1 (positions are all in-training)	MCC	0 positions	0 positions
CO1 (positions are all in-training)	WSP	0 positions	0 positions
CO2	CRCC	5.1%	4.0%

CO2	MCC	6.9%	6.3%
CO2	WSP	2.7%	4.1%
CO3	CRCC	0%	2.4%
CO3	MCC	6.9%	8.8%
CO3	WSP	0%	1.6%

Accordingly, DOC performed a thorough review of the turnover data and made the decision to maintain the Group C assignment pay for LPN2s and Psychologist 4's. You received notice of our intent to maintain the Group C assignment pay for these job classifications on July 31, 2015.

Additionally, Sex Offender Treatment Specialists and Corrections Mental Health Counselor 2 and 3's were also experiencing heightened turnover. Knowing that these job classifications would be receiving a 5.5% general wage increase effective July 1, 2015, DOC made the decision to monitor the recruitment and retention data for these classifications and revisit this issue at a later date.

I have considered the discussion we had in the meeting on August 3, 2015. It is my conclusion that there is no violation of CBA Article 32 or Appendix F of the CBA. Therefore your requested full make-whole remedy to immediately reinstate the assignment pay, back pay with interest for all members that did not receive the appropriate assignment pay, and any other relief just and equitable shall not be granted.

Thank you for your cooperation during this grievance hearing.

Sincerely,



Dan Pacholke  
Deputy Secretary

DP:jam

cc: Labor Relations Administration  
Marcos Rodriguez, Human Resources Director  
Grievance file