

DATE: May 11, 2015

TO: Francine Reis, Human Resources Director
Clark County Washington

FROM: Maureen Colvin, Union Representative
OPEIU Local 11

RE: Kozlowski/Step 3 Grievance

Ms. Reis,

This is in response to the Step 3 grievance filed by Matt Kozlowski which the Union is moving forward in the grievance process in that the Employer violated the Collective Bargaining Agreement and did not follow progressive discipline.

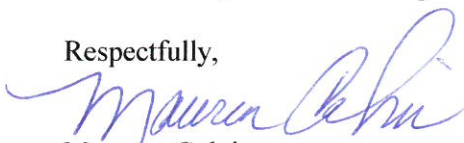
Within the Employer's Termination of Employment letter the Department states several findings in which they say support this termination and we disagree. The Union opposes these findings on the basis that it does not fall within the "Just Cause" guidelines.

The basic underlying principle in disciplinary cases is that the Employer must have "just cause" for imposing the disciplinary action and a flat "no" answer to one or more questions indicates that the employer's action was arbitrary, capricious and/or discriminatory in one or more respects.

- 1) Did management adequately warn the employee of the consequences of their conduct? **No**
- 2) Was management's rule or order reasonably related to efficient and safe operations? **No**
- 3) Did management investigate before administering the discipline? **Yes**
- 4) Was the investigation fair and objective? **No**
- 5) Did the investigation produce substantial evidence or proof of guilt? **No**
- 6) Were the rules, orders and penalties applied evenhandedly and without discrimination to all employees? **No**
- 7) Was the penalty reasonable related to the seriousness of the offense and the past record? **No**

Our resolution to this grievance is that the Employer reinstates Mr. Kozlowski and apply proper discipline to successfully succeed in his position with Clark County.

Respectfully,



Maureen Colvin

OFFICE & PROFESSIONAL EMPLOYEES INTERNATIONAL UNION, LOCAL # 11

GRIEVANCE FORM

DATE WRITTEN: 5/4/2015

NAME OF EMPLOYER: Clark County prosecutor's office

NAME OF GRIEVANT: Matt Kozlowski

DATE OF VIOLATION: 4/29/2015

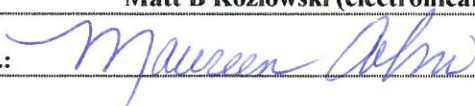
ARTICLE OF CONTRACT VIOLATED: Including but not limited to 2.1, 2.2, 21.2, 21.2.1, 21.4

NATURE OF GRIEVANCE: Employee was not afforded due process, nor were the concepts of progressive discipline followed. Items were taken into consideration in determining discipline that were contractually forbidden. Reasons given for termination are pretextual and the true reasons are rooted in the grievant's exercising of his contractual and constitutional rights, which aggravated the employer and resulted in termination. Primary reason given was for a "crime" grievant allegedly committed at work that was properly found to be baseless by another agency. The subsequent use of this baseless allegation to justify termination violates his constitutional rights and is suggestive of the true retaliatory motive. In addition, employer has obliterated the concept of due process with regards not only to this termination, but the previous suspensions as well and this alone must negate the disciplinary action taken. The 'workplace violence' policy which it is alleged the employee violated may in actuality exist, but it has not been communicated to employees such that they would be familiar with its contents in anything but a very superficial, nebulous manner even if it did actually apply to the grievant's

POSITION OF UNION: PLEASE SEE ATTACHED

POSITION OF EMPLOYER:

RESOLVED: Yes No	EXPLAIN BELOW	REFERRED TO SECOND STEP: Yes No

SIGNATURE of Grievant: Matt B Kozlowski (electronically signed)	Date: May 6, 2015
SIGNATURE of Union Rep.: 	Date: 5/11/15
SIGNATURE of Employer:	Date:

DISTRIBUTE COPIES IMMEDIATELY:

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 opeiu11/afl-cio
 mastergrievform06.xls
 jst
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 afl-cio
 master grievance form 2006

*Original to Employer Representative
 Duplicate to Union Office
 Triplicate - Retain by Steward*