

ASEA In Action



June

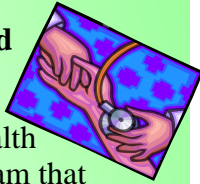
“YOUR UNION WORKING FOR YOU”

2008

Union in Action

HEALTHSMART: SAVING LIVES

A Few Minutes Could Change Your Life



HealthSmart is the Health Trust's wellness program that helps members take charge of their health by identifying and reducing their health risks.

- If you have never completed a HealthSmart Personal Wellness Profile (PWP), you can change your mind anytime and fill one out.
- You will receive a Personalized Wellness Report that points out any potential health risks and how to reduce them.
- You will also receive 2,000 free Alaska Airlines miles and a stainless steel travel mug.

Do it right now, while you're thinking about it! Go to the Health Trust website at www.aseahealth.org, then click on HealthSmart.

OPEN ENROLLMENT REMINDER
JUNE 13th DEADLINE – Be sure to enroll in the plan of your choice for 2008/2009 by the deadline. **YOU MUST ENROLL TO RECEIVE THE CORRECT HEALTH COVERAGE FOR YOU AND/OR YOUR FAMILY!** See ASEA Health website for details.

ASEA WINS BIG FOR CLASS I EMPLOYEES

ASEA won a major victory for class one employees that perform public safety related functions for the State. In an opinion issued on May 5, 2008, Arbitrator Robert Castrey reversed a decision by the State terminating an employee from his position as a Juvenile Justice Officer at McLaughlin Youth Center (MYC). The State terminated the employee following an altercation with a resident claiming the employee had used excessive force in response to being spit upon by the resident.

At arbitration, ASEA Business Agent, Doug Carson, argued the Juvenile Justice Officer had acted in self-defense to a threat potentially more dangerous than anything the resident could ever do with his hands. ASEA presented evidence that the U.S. Court of Appeals for the Ninth Circuit has ruled that spitting meets the common law definition of assault. ASEA also presented evidence that the employee had been spit upon by another resident two months earlier and, as a result, had to get a series of shots because that resident suffered from Hepatitis C. ASEA further presented evidence that pathogens like Hepatitis C as well as MRSA and HIV have become occurring in institutional settings like MYC and the State's failure to recognize the employee's right to defend himself in the face of these potentially life threatening diseases was unconscionable.

In his decision, Arbitrator Castrey agreed with ASEA. Arbitrator Castrey agreed that spitting constitutes an assault, giving the employee the right to defend himself. Consistent with the law, Arbitrator Castrey ruled that the right of self-defense did not give an employee the right to use unlimited force. An employee only has the right to use the amount of force reasonably necessary to end the threat. However, given the State's failure to recognize the fact that the employee faced exposure to potentially life-threatening diseases as well as the fact that the State had disciplined other employees far less severely in cases involving unprovoked and pre-meditated use of force against residents, Arbitrator Castrey ruled that the State's decision to terminate the employee was excessively harsh.

“Although claiming employees have the right to defend themselves, I don't think the State ever really meant it, and when the employee legitimately exercised this right, the State fired him,” stated Business Agent, Doug Carson. Carson further stated, “our class one employees work in dangerous conditions on a daily basis and this decision recognizes that they have the right to defend themselves not only against physical attacks but also against exposure to potentially life threatening diseases which are unfortunately appearing in institutional settings across the country.”