



ASEA IN ACTION

City & Borough of Sitka Chapter

Chapter Plans For

Negotiating Committee Election

We will be planning our election for this year's Contract Negotiating Committee at this meeting. Nominations and the election will be at a following meeting. If you are interested in being a part of the committee, please contact any of your Executive Board Members. The committee will consist of a member and an alternate from each of the designated locations established by our bylaws. Please consider serving.

Thursday, September 17

6:00 P.M.

The Loft - 408 Oja Way

(across from the police department parking lot)



*Have A Safe
Labor Day Weekend!*

ASEA Wins Grievance - Arbitrator Returns Injured GGU Member To Work

In a decision with far-reaching implications, Arbitrator Louis Zigman ordered the State to reinstate an ASEA Member who the State had non-retained as a probationary employee following her return to work under the Injured Workers Program.

The Member had been hired by the State as an Office Assistant I in Kenai in 2012. She completed probation and had obtained permanent status six (6) months after she had been hired in accordance with the collective bargaining agreement between ASEA and the State. Unfortunately, subsequent to obtaining permanent status, she sustained a work related injury, filed a Workers Compensation Claim and tried to get better. Nevertheless, despite her best efforts, she was unable to recover sufficiently to return to work before she exhausted all of her leave entitlements and, therefore, was administratively separated from employment by the State on August 24, 2013.

Following her separation, she continued to recover; however, and less than six (6) months later was released by her doctor to return to work. Exercising her rights under State law (AS 39.25.158 also known as the Injured Workers Program), she sought re-employment in her old

position and was appointed by the State to that position on January 2, 2014.

In returning her to that position, and despite the fact she had previously earned permanent status in that position, the State nevertheless placed her on probation. Three months later, claiming she had performance deficiencies, the State non-retained her from that position.

ASEA filed a grievance alleging that placing injured workers who had previously earned permanent status in their positions back on probation following their return to those positions under the Injured Workers Program violated the anti-discrimination provisions of the collective bargaining agreement. On July 20, 2015, Arbitrator Louis Zigman agreed finding the State violated Article 6 of the contract between the parties. Arbitrator Zigman ordered the State to reinstate the Member as a permanent status employee and pay her all back pay and benefits since she had been non-retained by the State on March 20, 2014.