

**AMALGAMATED TRANSIT UNION LOCAL 1395**

**1720 W. FAIRFIELD DRIVE, SUITE 307**

**PENSACOLA, FLORIDA 32501**

**(850) 554-6034 cell # / (850) 475-5766 fax #/ atu1395@aol.com**

**OFFICIAL GRIEVANCE FORM**

NAME OF GRIEVANCE Natalie Garcia

DATE FILED: Monday, November 21, 2011

CLASSIFICATION: Professional Bus Operator

UNION REPRESENTATIVE: Michael A. Lowery, President/Business Agent

Amalgamated Transit Union Local 1395

1720 W. Fairfield Drive, Pensacola, FL 32501

(850) 554-6034 / atu1395@aol.com / (850) 475-

5766 fax

WORK SITE: Escambia County Area Transit

 1515 W. Fairfield Drive, Pensacola, FL 32501

 (850) 595-3228 / (850) 595-3222 fax

IMMEDIATE SUPERVISOR: Theo Letman, Assistant General Manager - , Operations, Escambia County Area Transit

VIOLATION OF: Article 1, Section 3

 Article 4, section 5

 article 4, section 7

 article 5

 article 6

 article 17

 article 24, section 1, 3b, #4

 DATE CAUSE OF GRIEVANCE: Monday, November 14, 2011 – Termination Date

 Hearing held in Theo Letman’s office – about

 2:30pm / with Arlene Wires, shop steward

NATURE OF VIOLATION: Pursuant to Article 5 & Article 6 – the following grievance is filed on behalf of Bus Operator Natalie Garcia.

**ARTICLE 1, SECTION 3 - STATES:**

 The provisions of this Agreement shall be administered and shall apply equally to all employees covered by the Agreement without regard to their race, color, religion, sex, age, national origin, veteran’s status, handicap, ADA disability or sexual orientation in compliance with all applicable laws.

 **The Company did not apply equally the attendance policy and the Union believes that Operator Garcia’s national origin, sex and age appeared to be violated under the labor agreement.**

 **ARTICLE 4, SECTION 5 – STATES:**

 Such disciplinary hearing shall be held within five of the subject employee’s regular work days (exclusive of vacation, holidays, sick leave and other absences) after the Company has become aware of the incident resulting in the hearing, provided, however, that extenuating circumstances, such as accidents, criminal charges, theft, etc., require further investigation. In the case of extenuating circumstances the employee will be notified, in writing, of the delay in the disciplinary hearing with a copy to the Union.

 10th occurrence – caused from absence on October 31st and November 1st. On November 2nd and 3rd – regular day off / **November 4th** – regular day of work / **November 5th** – regular day of work / November 6th – regular day off / **November 7th**- regular day of work / **November 8th** – regular day of work / November 9th – regular day off / **November 10th** – regular day of work / **November 11th** – regular day of work / November 12th – regular day off / November 13th – regular day off / November 14th – worked partial day – then she was brought in approximately mid-day and at about 2:30pm and her employment was terminated.

 **ARTICLE 4, SECTION 7 – STATES:**

 The Company will attempt to issue citations within 48 hours of the knowledge of an occurrence/incident, for the first year of the contract for the purpose of training management personnel. After the time limits stated the Company will require citations to be issued within 24 hours notice. The employee and union will be notified of any investigation within 24 hours knowledge of occurrence/incident.

 **ARTICLE 7 – STATES:**

 Section 1 - An employee shall be granted one day with pay when a death occurs in employee’s extended family. extended family shall be defined as employee’s brother-in-law, and sister-in-law……..

 Section 3 – employees requesting pay for bereavement must show written proof of eligible family member’s death before being granted pay. all documendations must be submitted to payrol no later than Monday, 12:00 noon, of the pay week. when an observed holiday falls on a monday, documentation will be required by 8:00 a.m. on tuesday. all documentation submitted after this time will be paid in the following pay cycle.

 section 4 – employees will be required to provide a signal bereavement form (to be completed by the funeral home and a copy of the program obituary. the bereavement form is to be supplied by the Company.

 **Article 24, Section 1 – states:**

 full time employees will not be retained if their overall absenteeism is excessive. in no event will an employee’s total number of absences (excluding vacation, holiday, union business, jury duty, bereavement and birthday) be allowed to exceed a combination of 10 unexcused absences\* and/or other absence occurrences not specifically excluded in this policy.

 **article 24, section 3b, #4 – states:**

 ten excused or combination of excused and unexcused absence occurrences in any consecutive 12-month period shall result in a review for possible discharge. until the company makes a final determination the employee will not be suspended from assigned work. it is understood that mitigating and extenuating circumstances will be taken into consideration. however once a determination has been made by the company that an absence is unexcused the determination will stand unless it is grieved and overturned in the time parameters established in the labor agreement article 5 (grievance and grievance procedures) and 6 (arbitration and arbitration procedures).

WITNESSES: The Union reserves the right to call witnesses. Current witnesses are Natalie Garcia, Michael Lowery, Arlene Wires, and Gerri Bell.

REMEDY SOUGHT: Put Operator Natalie Garcia back to her full-time position as a bus operator at Escambia County Area Transit. Make her whole for all lost wages, lost benefits, and/or working conditions. Reinstate any lost seniority for Operator Natalie Garcia. Remove any documentation and destroy it that pertains to Operator Natalie Garcia’s termination in her personnel file or any other Company files maintained on Operator Natalie Garcia. Have the Company (Veolia Transportation / d.b.a. Escambia County Area Transit) reimburse Operator Natalie Garcia for any financial obligations she obtained during this period that she was not employed at Escambia County Area Transit. For pain and hardship – have Veolia Transportation pay Operator Garcia $100,000.00 for her suffering.

SIGNATURE OF GRIEVANT:

Michael A. Lowery

Sent via e-mail to Theo Letman, Asst. General Manager - Operations, Escambia County Area Transit (theo.letman@veoliatransdev.com) on 11/20/2011. Union President Mike Lowery has been given authorization from Bus Operator Natalie Garcia and ATU Local 1395 to file the grievance on behalf of her. This grievance was sent via e-mail from atu1395@aol.com and hand delivered in person to ECAT on 11/21/2011.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Signature of Grievant or Union Representative or both

.

Please email an acknowledgement of receipt of the grievance by emailing to atu1395@aol.com within the time lines outlined under the collective bargaining agreement. Thank you.

The Union reserves to amend/change/delete this grievance with notice given to the Company representatives.

Initial \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_