

**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 GRIEVANT: Jacqueline (Jackie) Holmes

DATE FILED: November 22, 2011

CLASSIFICATION: Professional Bus Operator

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

Amalgamated Transit Union Local 1395

WORK SITE: Escambia County Area Transit

1515 W. Fairfield Drive, Pensacola, FL 32501

IMMEDIATE SUPERVISOR: Theo Letman, Assistant General Manager, ECAT

VIOLATION OF: As required under Article 5 and 6 – this grievance is filed on behalf of Bus Operator Jackie Holmes.

Article 1, Section 1

Article 1, Section 3

Article 3, Section 1

Article 3, Section 2

DATE CAUSE OF GRIEVANCE: November 15, 2011

NATURE OF VIOLATION: Article 1, Section 1

Mr. Theo Letman sent a letter to Bus Operator Jackie Holmes on September 12th, 2011 which clearly stated that her employment could be considered “terminate your employment for job abandonment”. Noted on the letter is the fact that the Company ignored that Bus Operator Holmes was a bargaining unit employee with protections under the labor agreement. Mr. Letman ignored completely that the Amalgamated Transit Union Local 1395 is the sole representative. The Union is the sole collective bargaining agent and represents the interest of Operator Holmes. Mr. Letman didn’t even copy the Union on the September 12, 2010 (note the year mistake on the letter). This prevented the Union to assist and communicate with Operator Holmes on this matter.

Article 1, Section 3

It appears that the Company has not applied equally to all employees (especially noting Bus Operator Jackie Holmes). The process when an employee is out recovering from a serious illness.

Article 3, Section 1

Note that Mr. Letman ignored that he could have communicated in September with the Union to address his concerns regarding Bus Operator Jackie Holmes. In October Mr. Letman finally communicated to the Union President about his concerns about Bus Operator Jackie Holmes – Union President Michael Lowery contacted Ms. Holmes and she immediately scheduled a doctor’s appointment and retained a doctor’s slip and her husband provided the original slip to the Company.

Article 3, Section 2

See Article 3, Section 1 – same reasoning for this section.

General Information on this grievance:

See attached letter sent to County Commissioner Gene Valentino from Bus Operator Jackie Holmes husband (Edgar). In his letter he details the events that lead to Ms. Holmes being relieved of duty due to a serious illness. The Company clearly knew Operator Holmes status.

It is clear that a doctor’s slip was provided on 9/12/11 and then again on 10/28/11 to the Company. Clearly the Company had other options to address the Company concerns on the status of Operator Holmes and her recovery. Instead Mr. Letman chose to send a letter that was unreasonable with only a 48 hour window to respond. Plus the Union questions why didn’t the Company send a follow up letter after receiving the doctor’s slip dated 9/12/11 if the Company had more concerns? Clearly Operator Holmes and her husband felt they had lived up to the request of the letter when they provided a doctor’s slip on 9/12/11.

WITNESSES: Jackie Holmes, Edgar Holmes, Michael Lowery

The Union reserves the right to call more witnesses as needed during the grievance process.

REMEDY SOUGHT: Bus Operator Jackie Holmes provided a return to work doctor’s slip in the beginning of November to ECAT Management. The Union demands that Operator Holmes be returned to her position as the Senior Part-time Bus Operator at Escambia County Area Transit immediately. The Union demands that she be paid for all lost wages, benefits, working conditions, and seniority since giving notice to return to work. The Union demands that the letter from Theo Letman dated 12 September 2010 (note wrong year on letter) be removed from her personnel file at ECAT and destroyed.

The Union demands a written apology from Mr. Theo Letman, Assistant General Manager- Operations for his poor decision on handling this situation regarding Operator Jackie Holmes and provide this letter to her immediately and the letter should be posted for all bargaining unit employees to be viewed for a minimum of thirty (30) days.

Lastly – for the pain and suffering caused by Mr. Letman and the Company (Veolia Transportation) the Union demands that Professional Bus Operator Jackie Holmes be awarded $50,000.00

SIGNATURE OF GRIEVANT:

Michael A. Lowery

Sent via e-mail to Theo Letman, Asst. General Manager, Escambia County Area Transit on 11/22/11. Union President / Business Agent Michael A. Lowery has been given authorization from Bus Operator Jackie Holmes and ATU Local 1395 to file the grievance on behalf Bus Operator Jackie Holmes. This grievance was sent via e-mail from [atu1395@aol.com](mailto:atu1395@aol.com) and hand delivered in person to ECAT.

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Signature of Grievant or Union Representative

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