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REPORTS OF IMPARTIAL CHAIRPERSON DECISIONS
REPORT NOS. 1 AND 2**

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I.	DISCHARGE AND DISCIPLINE			
A.	<u>Workplace Violence</u>			
1.	IC found just cause to discipline a 19-year room attendant for shaking a ladder on which her coworker was standing, but reduced the discharge to suspension and ordered the Hotel to reinstate the worker conditioned upon an MHAP evaluation due to her excellent service record.	2/2014	2014-27	6
2.	IC upheld the suspension of a 17-year banquet captain for repeatedly grabbing his coworker's elbow after being asked by his coworker to refrain from doing so.	2/2014	2014-47	7
B.	<u>Negligence</u>			
1.	IC approved the discharge of a room service server for using his master key to allow a guest into another guest's room despite the fact that the guest's room key incorrectly indicated that the room was in fact his.	2/2014	2014-28	4
2.	IC sustained the discharge of a 16-year order taker for disclosing guest names and room numbers to a caller purporting to be a police officer investigating a robbery.	2/2014	2014-33	4
C.	<u>Inappropriate and Unprofessional Behavior</u>			
1.	Due to a lack of evidence, IC found that the Hotel did not have just cause to discharge a 15-year doorman for allegedly putting his arms around another employee, smacking her in the buttocks, and asking her out on a date, and ordered reinstatement with full back pay.	1/2014	2014-07	2

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2. IC converted the discharge of a 9-year banquet steward for allegedly making threats and inappropriate remarks to an unpaid two-week suspension.	1/2014	2014-14	2-3
3. IC converted the discharge of a 26-year housekeeping supervisor to a suspension with partial back pay; the grievant allegedly engaged in a verbal altercation with a coworker and admitted that she would have slapped the coworker in the face if not for another employee's intervention.	1/2014	2014-17	3
4. IC converted the discharge of 10-month bellperson to an unpaid 30-day suspension; the grievant stated to another coworker "if you don't put your hands down, I am going to make you eat your hands" during a dispute regarding airport transportation for a guest.	1/2014	2014-23	3-4
5. IC approved the discharge of a 29-year banquet captain for squeezing the neck and shoulder area of a guest and asking if she wanted a massage; IC based his decision in part on the grievant's prior misconduct of a similar nature.	2/2014	2014-26	2
6. IC sustained the discharge of a short-term room attendant for leaving threatening and racist voicemails for her supervisors.	2/2014	2014-30	2
7. IC was asked to review the discharge of two grievants for threats allegedly made during a verbal altercation in violation of both the Hotel's workplace violence policy and prior voluntary settlement agreements. The IC upheld the discharge of one grievant and ordered reinstatement with full back pay for the other.	2/2014	2014-50	3

D. Theft/Theft of time

1. IC upheld the discharge of a bellperson for abandoning his post and remaining in the cafeteria for one hour and fifty-seven minutes.	1/2014	2014-04	4
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2.	IC approved the proposed discharge of a 4-year server/delegate for serving a bottle of wine to guests as a “comp” item without approval from her manager.	1/2014	2014-08	4-5
3.	IC upheld the proposed discharge of an 8-year steward/delegate with previous time and attendance discipline for providing the Hotel with incorrect starting times on days he reported late for work.	1/2014	2014-11	5
4.	IC sustained the discharge of a 10-year security officer for multiple instances of leaving his work area without authorization.	1/2014	2014-19	5-6
5.	IC sustained the discharge of a 17-year security officer/delegate for falsifying “punch in punch out forms” in an attempt to receive pay for time not worked.	2/2014	2014-40	5
E.	<u>Attempted Theft</u>			
1.	IC approved the discharge of a 14-year bellman for falsifying a car reservation log in a preemptory effort to deprive his coworkers of gratuities and retain the gratuities for himself. The grievant’s conduct was deemed to be of a similar nature to that which led to a prior voluntary settlement agreement in which the grievant’s discharge for gross misconduct was converted to a suspension.	2/2014	2014-44	5-6
F.	<u>Work Performance</u>			
1.	IC upheld the suspension of a 5-year bellman for failing to follow the Hotel’s baggage handling procedures when he accepted luggage from an individual without confirming whether or not the individual was a guest at the Hotel.	1/2014	2014-16	7

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G.	<u>Sleeping while on duty</u>			
1.	IC sustained the discharge of an audio visual technician found sleeping in a dimly lit room across two chairs.	1/2014	2014-06	6-7
2.	IC found just cause to discharge a houseperson who was discovered sleeping in a Hotel storage room during his shift.	2/2014	2014-37	6
H.	<u>Solicitation of a gratuity</u>			
1.	IC approved the discharge of a 14-year doorman for repeatedly reminding a guest that he was a tipped employee in an attempt to solicit gratuity.	1/2014	2014-02	6
II.	CONTRACT			
A.	<u>Layoff/Bumping Rights</u>			
1.	IC clarified the layoff/bumping rights of food and beverage servers by explaining that, in a permanent layoff, hotels with multiple outlets will normally use room seniority for layoffs/scheduling and that employees have the right to bid/bump by classification seniority.	1/2014	2014-15 2014-20 2014-21	8-9
B.	<u>Past Practice</u>			
1.	IC supported the Hotel's position that banquet houseman should be offered the position of coffee break server based the past practice of banquet houseman covering this position during busy periods, breaks, days off, etc.	1/2014	2014-13	8
C.	<u>Pension Contributions</u>			
1.	IC ordered the Hotel to make employees whole for lost pension contributions stemming from the Hotel's cessation of pension contributions upon its discovery that certain employees never submitted an election form indicating their choice to participate in the Industry's Health Benefits Fund. The IC directed new election forms to be presented to the employees.	2/2014	2014-35	7

D.	<u>Seniority</u>	<u>Report #</u>	<u>Decision</u>	<u>Page(s)</u>
1.	IC determined the seniority order of three banquet houseman hired on the same date by the punch in time on the date in question.	1/2014	2014-01	8
2.	IC ordered the Hotel to change the seniority date of a server who was able to produce schedules and witness testimony evidencing that he had worked as a server approximately one year earlier than the Hotel had listed.	2/2014	2014-42	7
E.	<u>Work Assignments</u>			
1.	IC found that the Hotel could assign coffee break servers to functions to which the coffee break servers have historically been assigned, and that the Hotel's banquet servers were not entitled to work every tipped function scheduled at the Hotel.	2/2014	2014-48	8