

Case 10: An Anti-nepotism Policy

Narrator:

In this case it is up to you, the arbitrator, to decide if the grievant, Keith Walton, should be discharged for allegedly violating the Company's anti-nepotism policy. What is your remedy in this case?

Arbitrator: Mary Fair

My name is Mary Fair and I'm the arbitrator in this case. I'll first relate the facts in this case as I know them. On January 5, 1984, the grievant, Keith Walton applied for the position of Helper at the Manatee Power Plant. At that time, Mr. Walton declared on the employment application that he had no relatives working at the Company.

Later, on October 1991, when questioned by Superintendent Frank Hayes, Mr. Walton stated that his uncle, Bill Williams, was employed by the Company.

On November 2, 1991, Mr. Walton was discharged for violating the Company's anti-nepotism policy.

Let's hear the Company's point of view in this case.

Company: Frank Hayes, Superintendent.

My name is Frank Hayes and I am the plant Assistant Maintenance Superintendent. I want to make three points.

As far as the Company's concerned, the union is trying to use arbitration as a means to cancel our anti-nepotism policy that was added to the Company's Employee Handbook in June of 1988.

During contract negotiations in September of 1988, the union tried to add a paragraph to the contract that said, 'relatives of employees shall not be denied the opportunity of working for the Company.' The union unsuccessfully proposed this paragraph in both 1988 and 1990.

This is a long standing policy that we consistently enforced in 23 situations. We've had this rule for over 40 years and the term 'relative' has always included the person's uncle. Plus, we feel that our policy is supported by EEOC rulings just like in the Indianapolis Power & Light Company case.

The Company contends that Mr. Walton was properly discharged.

Arbitrator: Mary Fair

Now I would like to hear the Union's argument.

Union: Sidney Rawson, Union Steward

My name is Sid Rawson, I'm the plant union steward.

First of all, the Company can make all of the policies they want. But, the Company, as in this case, does *not* have the right to apply ill-defined and inconsistent policies to the union members.

Our members have limited knowledge and access to the Company's General Operations Manual. That was the only source of information about the employment of relatives from 1980 until 1988 when the Employment of Relatives section was placed in the handbook. We really don't believe that the handbook is intended by the Company to be a policy manual. And, if you go back to 1980, the VP of Personnel said that no special announcements should be made concerning the handbook.

In this case Frank Hayes was confused. He asked Mr. Walton if his uncle was blood or marriage related and then told Mr. Walton not to worry.

As far as the union is concerned none of the documents presented by the Company indicate that Mr. Walton should be discharge. We request that Mr. Walton be made whole of all wage, seniority, benefits and overtime hours denied him during the period of his improper discharge.