

CWA LOCAL 3645

Date: February 2, 2022 **TO:** CWA Local 3645 Members
From: CWA Local 3645 **Subject:** System Board Hearings

On February 2, 2022, CWA Local 3645 held the System Board of Adjustment in CLT. An agent from CLT was appealing a contract violation for not being paid holiday pay because they called out FMLA the day before the holiday. The company presented Article 11 section F that outlined when holiday pay would be issued. The company also presented examples including roster apps summary of when multiple agents were not paid holiday pay because they didn't work the day before or after the holiday. The agent argued that the Contract article 11. F verbiage says "UNLESS" the employee presented proof of illness from a qualified medical examiner or for other reasons submitted (ex. Death in family) and the proof is accepted by the Local management personnel. The agent felt that since FMLA was approved by the Company that the Company basically was accepting his medical reason for absence. The Company then argued that the agent never submitted proof of illness. The agent did not submit proof of illness to the Board neither. They only had proof that FMLA didn't give them points for the call out. The Board could not find a contract violation with the documents that was presented so they ruled to uphold the denial.

An agent from ILM was appealing a level 3 for violating the Zero Tolerance policy. The agent was accused of making racially insensitive comments while at work. The agent testified that they made the statements but didn't know the comments were insensitive nor did they feel that they were. The company presented statements from various agents who said they were offended by the statements. The company presented a corrective with varying dates and also statements from 3 agents with varying dates which caused confusion about whether the write up was timely according to the contractual 21-day time period to get a corrective counseling. The Union rep argued that the agent did not know they were violating the Zero Tolerance policy and that they were sorry. The rep also argued that the dates did not match up and that a level 3 was too harsh considering the agent had no prior discipline in their file. After reviewing all the facts, the board deadlocked. This case will go to the CWA District 3 staff rep to be reviewed for arbitration.

In Unity,

Donielle Prophete – President
Darryle Williams – Executive Vice President
Douglas Christian – Vice President
Shaquelle Baker – Secretary/Treasurer