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1.2 & 7.1: Discipline for harassment related to medical condition is to be consistent with harassment based on race/sex.

CASE CLOSED
FILED & LOGGED

MEMORANDUM OF DISPOSITION
North Bay Division Grievance No. SNR-95-18
Fact Finding Committee No. 6312-95-023

RECEIVED AUG 27 1996

Grievance Issue:

This case concerns a written reminder in the conduct category given to the grievant for harassment of a coworker based on a medical condition.

Discussion:

The Fact Finding Committee, consisting of Ken Ball, Sr. Business Representative; Carol Pound, Sr. Labor Relations Representative; Larry Pierce, Business Representative; and Pamela Benitez, Human Resources Advisor met on February 21, 1996 to discuss the facts as outlined in the Local Investigating Committee report.

The Committee discussed this case in relation to previous actions taken by the Company in cases of sexual or racial harassment, and determined that harassment based on a physical disability or medical condition is considered just as serious a violation of Company policy.

The Committee agreed that the grievant's conduct was inappropriate and in violation of Company policy, and that resulting disciplinary action should be compared with cases of inappropriate racial or sexual remarks made to a coworker. Typically, conduct of this nature results in disciplinary action more severe than an oral reminder.

Decision:

The Committee acknowledged that while there has been communication to employees and corrective action taken regarding the inappropriateness of remarks of a racial or sexual nature in the workplace, this is not the case regarding remarks about a medical condition or physical disability. In light of this, the Committee agreed to reduce the written reminder to an oral reminder with the following conditions: 1) that this work group receive communication or awareness training from an EEO professional on this subject; 2) that it is understood that future instances of harassment based on a medical condition will result in disciplinary action equivalent to cases of racial or sexual harassment, and 3) that this settlement be made available for system-wide distribution.

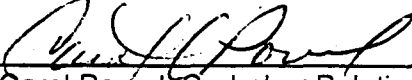
This case is closed on the basis of the above understandings.



Ken Ball, Sr. Business Rep.

concur/~~dissent~~

8-20-96
date



Carol Pound, Sr. Labor Relations Rep.

concur/~~dissent~~

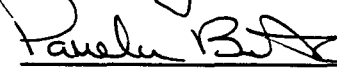
3/5/96
date



Larry Pierce, Business Rep.

concur/~~dissent~~

3-17-96
date



Pamela Benitez, HR Advisor

concur/~~dissent~~

4-17-96
date