

# INTERNATIONAL UNION OF OPERATING ENGINEERS

Craft-Maintenance Division State of California Unit 12  
Locals 3, 39 & 501, AFL-CIO

## **IUOE Unit 12 Prevails in Department of Water Resources Arbitration Case, but State then Appeals Decision to Kern County Superior Court – May 20, 2019**

When is the State going to quit monkeying around with our arbitration process and honor the intent of the parties when they jointly agreed to it?

This is not the first time this has happened. There seems to be a pattern developing when the State gets an unfavorable arbitration decision. Rather than accept the decision of the arbitrator and do the right thing for the employee(s), the State says screw you Mister Arbitrator and then appeals the decision to Superior Court.

It is already costly enough to take disputes to arbitration, but to appeal them to a Superior makes the adjudication of the matter extremely expensive for both parties. I guess the State's representatives feel that it's not their own personal money, so who cares about the exorbitant cost to the taxpayers.

In this case, the Department of Water Resources was using previously purged files when issuing adverse actions (discipline) to our members. Local 501 Representative Sandra Acosta grieved the issue and won in arbitration. The arbitrator agreed with the language in the contract that files must be purged from any and all files. The State moved to have the award vacated in the Kern County Superior Court and we won again. Now the State has appealed to the Appellate Court.

Contract Section 16.7 Personnel and Evaluation Materials states in part:

G. Materials relating to an employee's performance included in the employee's official departmental personnel file shall be retained for a period specified by each department, except that at the request of the employee, materials of a negative nature shall be purged from any and all files after one year.

We will keep you updated as this matter progresses.

**UNION STRONG!**

Steve Crouch  
Director of Public Employees