

LEAVING WORK WITHOUT PERMISSION *(excerpt from Steward Update Newsletter, volume 6, issue 3 – George Hagglund, Professor Emeritus at the School for Workers, University of Wisconsin-Madison)*

Why can't I leave the job before the end of the shift, as long as it doesn't hurt my employer? What's the harm? As you may have guessed, management is likely to have a different answer to that question than workers would...and a lot of workers end up in big trouble because of it. The arbitration record indicates it is quite common for workers to get fired for leaving the job without permission. To help in these situations stewards need to have a good understanding of employer rules, how other workers were treated under similar circumstances, and the nature of the job performed by the worker who's in trouble. Here are a few examples of what arbitrators see as allowable – and not.

Continuous Operation – An elevator operator left his post for 2-1/2 hours after being told that the production line would not be operating during his shift. He was fired. The arbitrator upheld the discharge because the employee should have known that a 2-1/2 hour break was excessive, a backup of finished product occurred at the elevator while he was absent, and he had not previously responded to progressive discipline.

Another employee left work early without permission and was fired. The arbitrator reduced the penalty to a 3-day suspension because he had waited a time for his relief man to appear before leaving, and a 3-day suspension was more appropriate for his misconduct.

Another worker was suspended for leaving his post at the end of his shift without waiting for his relief person to show up. The arbitrator voided the suspension because, he said, no one had told the worker to stay for overtime, and he had a record of working overtime if asked. Additionally, the employer built his case on hearsay evidence, and did not have a preponderance of evidence proving that the worker should have been suspended.

Union Activist – A union activist who was in a meeting called by the company to discuss the need to complete shifts without leaving early was fired for walking off the job. The arbitrator said he was discharged for just cause. The activist had lost his temper in the meeting, shouted obscenities in the presence of other workers, and then walked off. The arbitrator said the worker's overall behavior was such that discharge was appropriate.

New Rule – After a long period of non-enforcement, a company decided to start enforcing a rule governing leaving work without permission. The union filed a grievance. The arbitrator sided with the union, saying that the company had gone along with non-enforcement for a long time. In addition, the company had tried and failed to modify the contract in negotiations.

Provide Prior Warning – A worker, new to the job, was fired for leaving his post to tour the plant and eat his lunch. The arbitrator reinstated him without back pay, noting that even

though the workers should have known it was improper, the employer didn't make him aware it was a discharge offense.

Another worker was given a disciplinary warning for leaving work early. He filed a grievance, but the arbitrator sided with the company, noting he had previously been given a "friendly warning" that leaving work early was not tolerated. He said that even though "friendly warning" was not stated in the rules, it was an indication that the employee had been warned that such behavior would not be tolerated.

Accepted Past Practice – An employee was spotted in a liquor store 25 miles away from the plant during his shift. He was fired. The arbitrator reinstated him, noting there was a past practice of allowing workers to leave the plant during downtime, and the employee had not been charged with breaking the rule regarding possession of intoxicants on company property.

Follow Progressive Discipline – A worker with 26 years of service was fired for walking off the job without permission. The arbitrator put him back to work, noting the employer had failed to impose progressive discipline properly and was inconsistent in application of the rule, which failed to convey a clear warning that such behavior would result in discharge.

In conclusion, there is a set of principles regarding how to handle leaving the job without permission. In general, workers in continuous production jobs are expected to be there and perform until they have been relieved. Workers who can leave the job without harming the employer are given a bit more flexibility, but are expected to follow the rules. Employers have to enforce rules consistently if they expect to discipline employees effectively. Employers are expected to apply progressive discipline in a consistent manner, with warnings first, then progressive discipline and ultimately discharge.