

December 20, 2020

Walden Security
District Supervisor
Name

Re: CSO Name of CSO (Employee Number) Discipline Grievance

Mr./Mrs. Name

Please accept this correspondence as the informal Step enumerated under section 5.3 (d) "Grievance for Discipline" in the Collective Bargaining Agreement ratified in the month of August of 2020 with Walden Security on behalf of CSO Name, a member of the Professional Association of Court Security Officers.

Although CSO Name is a member of the Professional Association of Court Security Officers, as of this writing he has declined to grieve his discipline.

In light of both employees being involved within the same incident and both were given the exact discipline, I have written of CSO Name within this document because he is relevant to the totality of the circumstances.

In summation of the Procedure Standard Violations that both CSO Name and CSO Name (Employee Number) were investigated and found in violation of, was as follows;

- On October 1, 2020 CSO Name and CSO Name were on duty and assigned in the lobby of the Bob Casey Federal Courthouse located in Houston Texas.
- CSO Name was working the ID Post.
- CSO Name was working the Magnetometer Post.
- An unidentified civilian female entered the Bob Casey Federal Courthouse and went through the security procedures without incident.
- Upon her arrival at the Probation Department within the Bob Casey Federal Courthouse she was not wearing a face covering.
- Per Court order due to Covid-19, all persons entering the Bob Casey Federal Courthouse are required to wear a face covering.
- The unidentified woman was asked to leave the facility because she could not produce a mask or face covering.
- Walden Security personnel were contacted about the incident.
- An investigation was conducted by Lead CSO Name.
- Both CSO Name and CSO Name volunteered that they had indeed inadvertently allowed the woman to enter the facility without a face covering against Performance Standards.
- Both CSO Name and CSO Name declined union representation during the investigation of the procedural violations enumerated within the Statement of Work.
- Specifically, Section C.14 Compliance with CSO Performance Standards.

On Wednesday, December 16, 2020 CSO Name was called to the office of Lead CSO Name.

CSO Name was handed a copy of the Discipline dated October 29, 2020.

On Tuesday, December 15, 2020 CSO Name was handed a copy of the Discipline dated October 29, 2020.

The discipline outlined the following;

-The investigation has concluded.

-CSO Name had violated Performance measures associated with his position as a CSO.

-Specifically, CSO Name failed to follow the Court-issued order requiring the wearing of a face mask or covering.

-As a result CSO Name's employment with Walden Security is suspended for three (3) scheduled work days.

The specific performance violation standards violations were listed as follows;

C.14.2.24 Not violate official site security procedures, instructions, post orders or regulations.

C.14.2.25 Comply with all prescribed safety regulations, safe working procedures, and practices.

Section C-14 Compliance with CSO standards lists the Procedural Standards a CSO can become in violation of.

It is important to note under C.14.2 the list is not intended to be inclusive, but is instead a representative of the violations that are generally encountered.

The list begins with the most egregious violations, Criminal Activity and continues down in less severity as follows;

-Fraud

-Misconduct

-Insubordination

-Security Procedures

-Dereliction of Duty

Under Security Procedures both C.14.2.24 and C.14.2.25 are both listed as the one line cited in the Discipline.

As written, they are both effectively a "catch all" violations that can be applied to any Procedure Violation that has not been previously enumerated in Section C of the Statement of Work.

They are also the last two of the five listed procedure violations.

As you are aware, Section 6, "Discipline" and citing specifically, Section 6.1 "Grounds for Discipline and Dismissal" of the CBA, outlines how discipline is to be handled.

Please reference paragraph 6.1 (b) in part as follows;

The Company may discipline Employees when necessary and discharge those who fail to uphold U.S. Government or Company Standards. **It is recognized by parties to this Agreement the progressive discipline shall be applied in dealing with Employees.** However, it is also recognized that offenses may occur for which progressive discipline is not applicable (e.g. Fraud, gross misconduct, theft, etc.). **Disciplinary measures vary depending on the seriousness of the matter and the past record of the employee.** (Emphasis added)

CSO Name has been employed as a Court Security Officer/Special Deputy United States Marshal at the Bob Casey Federal Courthouse since August 4, 2014.

CSO Name has been employed as a Court Security Officer/Special Deputy United States Marshal at the Bob Casey Federal Courthouse since January 9, 2020.

Neither of these employees has been disciplined for any past Procedural Violation and both have conducted themselves with the professionalism and dedication to the duties that they have sworn to conduct, within their capacities as Court Security Officers/Special Deputy United States Marshals.

Following the guidelines of Section 6 “Discipline” of the CBA it is both CSO Name’s and the Professional Association of Court Security Officers contention that Walden Security has failed to follow the guidelines of progressive discipline when administering discipline to either CSO Name or CSO Name.

Not only was their Procedure Violation not egregious as outlined in Section 6.1 (b), but their past exemplary record was ignored as well.

CSO Name and the Professional Association of Court Security Officers ask that as the grievant, CSO Name’s Discipline be reduced to verbal counseling.

If the Discipline is not reduced as requested by the Grievant CSO Name and the Professional Association of Court Security Officers, it is Grievant intention to continue to appeal the discipline to the Company Vice President, Federal Services Division or designee not later than ten (10) working days from the denial by the Contract Manager or designee.

In the event CSO Name’s discipline is reduced as requested, it is at the discretion of the Company if they would leave two disparate Disciplines for the same offense which occurred on the same incident in which both CSO Name and CSO Name were a party to.

Thank you for your time and consideration,

John M. Lynch
P.A.C.S.O.
Secretary/Treasurer
Union Steward-Houston
720-470-3965