

**ARBITRATION AWARD**

**IN THE MATTER BETWEEN:**

**COMMUNICATIONS WORKERS  
OF AMERICA ("CWA"),  
LOCAL 7076, IN BEHALF OF  
EMPLOYER COMPLIANCE  
BUREAU &**

**WORKERS' COMPENSATION  
ADMINISTRATION ("WCA"),  
STATE OF NEW MEXICO,  
ALBUQUERQUE, N.M.**

**PERFORMANCE  
EVALUATION DISPUTE**

**GRIEVANTS:  
SARAH DURAN,  
BARBARA GARCIA,  
LESLIE TORREZ**

**ARBITRATOR:  
BARRY J. BARONI**

**FMCS CASE NO:  
09-57397**

**HEARING WAS CONDUCTED ON APRIL 28, 2010, IN ALBUQUERQUE, N.M.**

**APPEARANCES**

**UNION**

**SHANE C. YOUTZ, ESQ. - ATTORNEY  
SCOTT GOULD - ECONOMIST, LOCAL VICE-PRESIDENT & STEWARD  
ROBIN GOULD - OBSERVER, FORMER LOCAL PRESIDENT  
SARAH DURAN - REPRESENTATIVE GRIEVANT**

**ADMINISTRATION ("WCA")**

**ROBERTA L. BACA, ESQ. - ATTORNEY, ASSISTANT GENERAL COUNSEL  
RENEE E. BLECHNER - LEGAL ASSISTANT  
SANDY PEREZ - DIRECTOR, STATE PERSONNEL OFFICE  
PRISCILLA PENA - JOHNSON - HUMAN RESOURCE MANAGER  
SANDY MARTINEZ - OBSERVER, SPO LABOR DIRECTOR**

16.

**AWARD**

**THE GRIEVANCE IS SUSTAINED.**

**IT IS, HEREBY, CONCLUDED THAT: THE AGENCY VIOLATED ARTICLE 17 OF THE COLLECTIVE BARGAINING AGREEMENT, IN ITS PROCESSING AND PREPARATION OF THE 2009 PERFORMANCE EVALUATIONS OF GRIEVANTS.**

**IT IS, HEREBY, ORDERED THAT: EACH OF GRIEVANTS' JUNE/ JULY, 2009 PERFORMANCE EVALUATIONS BE CHANGED TO "ACROSS THE BOARD" EXEMPLARY EVALUATIONS ("4'S"), IMMEDIATELY, UPON RECEIPT OF THIS OPINION AND AWARD.**

**NEW ORLEANS, LA.  
JULY 9, 2010**

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**BARRY J. BARONI, ARBITRATOR**