

## V. CONCLUSION

A. For the past three years, EMPLOYEE has **FULLY PERFORMED** her duties without official Agency limitation or restriction on the location or scope of inspection, while dealing with a number of painful medical issues. *This is not in dispute.*

B. EMPLOYEE has received Solid Sustained final employee ratings for each of her last three years while performing a high number of inspections. MANAGERS provide NO evidence of:

- reduced spectrum of inspections (type of businesses);
- modification of inspection protocol or scope;
- inability of EMPLOYEE to perform thorough and complete inspections.

*This is not in dispute.*

C. EMPLOYEE has successfully modified her movement to accomplish assigned tasks while gradually moving toward MMI – without impairing or retarding her recovery nor increasing her disability. *This is not in dispute.*

D. It appears MANAGERS are attempting to diagnose and predict possible future medical problems. This is not done with other employees. For example, neither SPO policy nor the union contract allows managers to terminate clerical staff because their repetitious typing MIGHT lead to carpal tunnel syndrome at some point in the future.

E. In these troubling economic times, as the nation has suffered the loss of some 15 million jobs, for MANAGERS to add to EMPLOYEE's emotional burden with an unnecessary and unwarranted NCS is a negligent act in BAD FAITH. EMPLOYEE respectfully requests this NCS be abandoned and asks that parties instead engage in good faith dialogue over Agency concerns.

F. Documents provided by MANAGERS suggest this EMPLOYEE performs tasks outside the Operational Safety Consultant job classification. This apparently has been going on for some three years. EMPLOYEE is clearly functioning as an Advanced Safety Consultant. The union requests that the Agency correct this oversight immediately by promoting EMPLOYEE to Advanced status and making EMPLOYEE whole in every way.

Sincerely,

Scott Goold  
SEA-CWA Agency Vice President  
Representing Ms. Kathy Louer