

ARBITRATION SUMMARY AND AWARD LOG
OCB AWARD NUMBER: 1139 Expedited

OCB GRIEVANT NUMBER: 1) 31-13-950816-0052-01-06
2) 31-13-951219-0083-01-06

GRIEVANT NAME: 1) Edward Vincent
2) Byron Buckley

UNION: OCSEA

DEPARTMENT: Dept. of Transportation

ARBITRATOR: Craig Allen

MANAGEMENT ADVOCATE: Matthew Borges
Nick Nicholson

2ND CHAIR: Colleen Wise

UNION ADVOCATE: John Gersper
Tim Rippeth

ARBITRATION DATE: June 7, 1996

DECISION DATE: June 7, 1996

DECISION: 1) Granted
2) Denied

**CONTRACT SECTIONS
AND/OR ISSUES:** 1) 1 Day Suspension
2) 10 Day Suspension

HOLDING: 1) Grievance upheld
2) No mitigating factors discipline commensurate with
offense.

BENCH DECISION AND AWARD

ARBITRATOR: Craig A Allen

HEARING DATE: June 7, 1996

GRIEVANT: Edward Vincent

GRIEVANCE #: 31-13 (95-08-16) CA 2

DEPARTMENT: ODOT

UNION: UCSEA

MANAGEMENT ADVOCATE: MATTHEW Borge
SUSAN M. Grundy

UNION ADVOCATE: JOHN GERSPER
TIM RIPPETH

ISSUE

Was the one day suspension
for just cause?

AWARD

I uphold the grievance. Whether behaviour is appropriate or not is affected by the circumstances of each case. Infts and Inposse did not corroborate each other's testimony. I was most interested that Infts said "Can it say but was yelling". Says but voice level was raised but but has heavy voice anyway. The union testimony is that shoveling machine is a two to 3 man job - unless there are small

ISSUED AT: UCSEA
DATE: Watermark Drive

ARBITRATOR'S SIGNATURE: Craig Allen

signs being made. Also the testimony is uncontradicted that Supts engaged in "belly bumping" and at least some profanity and Supt did neither.

Considering the medical emergency, the Supt's length of service without prior discipline and the fact that there is no testimony the Supt had any overt reaction to the "belly bumping" or profanity I found the grievance to be well taken.

BENCH DECISION AND AWARD

ARBITRATOR: Craig Allen

HEARING DATE: June 7, 1996

GRIEVANT: Byron Burdley

GRIEVANCE #: 31-13-951219-0023-01-06

DEPARTMENT: DOT

UNION: OCSEA

MANAGEMENT
ADVOCATE:

Nick M. Nichols

UNION

JOHN GERSPER
ADVOCATE: TIM RIPPETH

ISSUE

Was the 10 day suspension for
just cause?

AWARD

I deny the grievance. The DOT has two prior suspensions for abusive and obscene language and has not corrected his behaviour. Robust language in the work place directed at inanimate objects, weather, traffic conditions etc. is one thing abusive and obscene language directed at co-employees or supervisors is clearly against the rules. The unions argument concerning implied consent to use the telephone

ISSUED AT:

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OCSEA
Watermark Drive 6/7/96

ARBITRATOR'S
SIGNATURE:

Craig Allen

ought have done more work for
the Guts disciplinary trail. Since I can
find no mitigating factors and considering
the Guts disciplinary record I find the
discipline commensurate with the offense