

BENCH DECISION AND AWARD

ARBITRATOR: <i>Craig A Allen</i>	HEARING DATE: <i>April 23, 1999</i>
GRIEVANT: <i>Ken White</i>	GRIEVANCE #: <i>27-32198119-0159-01-03</i>
DEPARTMENT: <i>Corrections</i>	UNION: <i>OCSEA</i>
MANAGEMENT ADVOCATE: <i>Frank Kasper</i>	UNION ADVOCATE: <i>James D. Parsons</i>

ISSUE

was the suspension for just cause

AWARD

I uphold the grievance in part and reduce to a written reprimand. I dismiss the article 13 charge as inappropriate. I do not see an act of discrimination but I do see poor judgment. Mr Davis report refers to an Admin. regulation but he found no violation of that regulation as there was no continuous activity. Inmate Harrison confirms the Davis testimony as to quoting a nationally televised T.V. show. The reason I feel a written

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Was the two day suspension for just cause?

AWARD

I deny the grievance. Nancy Potts statement says she heard a loud thump which supports ms Guley contention that Sgt was pounding on the counter. ms Guley also that Sgt got right up in her face and that she was afraid and felt threatened. In fact she was so afraid that she left the area and became physically ill on the way home. Sgt was so angry that he had little control over himself and none

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over Ms Coulley's reactions. While it is true that different people have different tolerance levels of threats and intimidation I find Ms Coulley's fear to be reasonable and I also find management's reactions to be reasonable.

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GRIEVANT: William Seymour

GRIEVANCE #: 27-21 (2-9-98) 543-C1-C3

DEPARTMENT: Corrections

UNION: OCSEA

MANAGEMENT ADVOCATE: Kimberly Rowe

UNION ADVOCATE: Wm. J. Brown

ISSUE

Was the 16 hour fine for just cause?

*Note: Remedy Clarified as 2 day fine on books = 2 day pay to Gvt.

AWARD

I grant the grievance in part. The testimony is undisputed that DUT received a fine of two days pay and also lost two days pay. This is excessive. I therefore find that the fine was improper and grievant is awarded the two days pay he was fined.

I have reviewed article 29.04 III A and do not find any prohibition on enforcing a PUN prior to it being placed in an employees file.

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