

**IN THE MATTER OF ARBITRATION  
BETWEEN**

**Ohio State Troopers Association (OSTA)**  
Union

And

Case no. DPS-2025-264-01  
Chase Perrault  
Three day fine

**State of Ohio, Department of Public Safety (DPS)**  
Employer

**Umpire's Decision and Award**

**Introduction**

This matter was heard in Gahanna, Ohio on 5/22/25 at OSTA headquarters. Larry Phillips represented Grievant and OSTA. Grievant was present and testified. Other Union representatives were present as observers.

Lt. Kaitlin Foster represented the State Highway Patrol. (OSP) Other Management representatives from the OSP and Office of Collective Bargaining were present as observers.

The OSP called as witnesses Sgt. Boysel who prepared the administrative investigation (AI) and Lt. Curry as post supervisor.

The Union called Grievant as its witness. One other witness scheduled did not appear.

All witnesses were sworn.

There were several joint exhibits (Jt. Ex.) presented: Jt.1- the collective bargaining agreement; Jt.2- the grievance trail; Jt.3- the discipline package. The issue was stipulated. Additional exhibits were introduced, and all were admitted during the hearing. These will be discussed below as relevant.

The decision issued within stipulated time limits.

**Issue**

Was the Grievant issued a three day fine for just cause? If not, what shall the remedy be?

**Applicable CBA Provisions**

Articles 19; 20

## **Background**

Grievant was charged with the following: Performance of Duty OAC 4501:2-6-02(B)(5)

Members who fail to perform their duties because of an error in judgment or otherwise fail to satisfactorily perform a duty of which such member is capable, may be charged with inefficiency. Unsatisfactory performance may be demonstrated by a lack of ...failure to take required action, or failure to take appropriate action at any time.

Details supporting the allegations are discussed below. In summary the OSP expected Grievant to prepare crash reports when called to the scene by dispatch. In fourteen (14) documented instances occurring between May and August 2024, Grievant failed to prepare a crash report. Grievant also failed to give a full explanation of the differences in effect of an incident report and a crash report in the 14 documented instances to the involved parties.

A three day fine was issued effective 2/22/25.

It was timely grieved.

## **SUMMARY of FACTS**

Grievant was assigned to the Delaware post. At the time of the incidents he had six years tenure in his position. It is an extremely busy post.

He had no prior discipline of record.

In 14 separate instances, Grievant was at/reported to the scene of an accident/collision as the Trooper in charge. He asked each of the parties involved if s/he wanted him to prepare a crash report which would be reported to insurance and be a matter of record or receive an incident report then and there. Not disclosed/discussed by Grievant with any of the citizens involved was the fact that an incident report is not an official record.

When the collision/crash involved persons asked for an explanation of the different effects of the two options, Grievant failed to explain the full difference and possible complications if a crash report was not prepared. He mentioned an increase in driver insurance rates as an outcome of a crash report. In all 14 situations recorded the involved parties opted out of a crash report and accepted an incident report as a record of events from Grievant.

Two persons [Davis case and Hinders case] involved in two separate collisions under Grievant's purview later needed a crash report for insurance and medical reasons. None was available. Likewise, Grievant's BWC was not activated during the Davis crash interview. These persons complained to the OSP.

The incidents came to the attention of reviewing supervisors. Lt. Curry investigated the Hinder's matter. In that situation medical treatment was sought for an involved person.[Hinder's minor].

Crash reports are required to be prepared whenever there is damage and/or injury involved due to a collision. This is an existing and long established protocol.

Incident reports are internal and log activity. The reports are not court ready reports. A crash report was entered into evidence. The crash report is multi paged and detailed.

The AI occurred and discipline ensued which was timely grieved.

**OSP Position:**

The discipline is within the grid; is commensurate; is nondiscriminatory and no abuse of discretion exists such as to mitigate the discipline. The discipline is for just cause and the grievance must be denied. Grievant failed to perform on repeated occasions a core and necessary duty of his position. He had the requisite training and experience to perform these duties. He chose not to perform as expected and required.

**OSTA Position:**

The discipline is without just cause. Grievant has no prior discipline. Grievant had good evaluations. [A PIP was alluded to but was not in evidence].

Grievant's actions were not meant to harm anyone but were well intended, deferring to the motorist's wishes. Grievant's actions were audible and visible-via body cam footage-to his supervisors at all dates and times involved. No one called him out at the moment in time he gave the choices. It is impossible to believe that no one at the post was unaware of his actions. This claimed lack of awareness is not credible. The discipline is harsh and not progressive. It is not corrective. The grievance should be granted in its entirety.

**Opinion**

The Employer bears the burden of proof. The burden in a discipline case such as this is preponderance of the evidence.

The facts are not in dispute. Preponderance was met. The question for the Umpire is whether or not discipline is warranted based on the facts.

Grievant had no prior discipline of record. He presented both in the arbitration hearing and in each video as polite, calm and respectful.

The Employer could have chosen a lesser discipline. The question for the Umpire is whether or not it was an abuse of discretion to impose a three day suspension for the first offense of this nature.

The Umpire finds under the particular circumstances here that the discipline is warranted. Grievant's practice of giving motorists involved in a collision-even of the most minor sort-a choice -is not consistent with his role and

responsibilities. Most concerningly, motorists were not given the full dimensions of the choice not to file a crash report. Nor is there any directive or protocol in evidence that indicated that such a choice-incident report or crash report- is proper or sanctioned by the Employer.

Statements by OSTA that “everyone does this” or “it’s the norm” were not supported by evidence in the record. No witnesses other than Grievant were called to support this assertion. It would not have changed the result if another witness said s/he also followed this practice.

The missing piece to this line of defense testimony would have been a direct showing that OSP knew of the practice and condoned it by silence or other actions. The inference OSTA urged the Umpire to draw that the post “must have known about this” from the ability to hear all traffic transmissions falls short of notice under the facts herein. That evidence of condonation or failure to act is lacking in this case.

It is of no moment that most of the 14 incidents recorded in this case did not adversely affect the involved parties. But for the two persons making an issue of the failure to have a crash report, Grievant may have continued to fail to properly execute his duties on the road when called to a collision. His intent was not an issue; his failure to fully perform his assigned duties is.

Regarding the progressive discipline argument, the Umpire finds that although a lesser discipline could have been selected there is no abuse of discretion in imposing a three day fine. A six year employee was avoiding performance of his core responsibilities-whether his intentions were neutral or positive. The Umpire will not override the discipline as excessive as a three day suspension for this offense- albeit a first offense- is neither an abuse of discretion nor discriminatory-based upon the record.

Preparation of crash reports is a core duty. Grievant’s shortcut solution was not meeting job expectations and job duties. There is just cause for discipline.

### **AWARD**

**The grievance is denied  
IT IS SO HEREBY ORDERED.**

S/ *Sandra Mendel Furman*

Sandra Mendel Furman, Esq., NAA  
Issued 5/28/25, in Bexley, Oh

### **Certificate of Service**

The Award was issued by electronic email to the parties’ representatives on this same date. s/ *Sandra Mendel Furman*