

IN THE MATTER OF ARBITRATION BETWEEN

Ohio State Troopers Association (OSTA)
Union

And

Case no. DPS -2025-02449-01
Grievant Tyranda Franklin
Three days Fine

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

Umpire's Decision and Award

Introduction

This matter was heard in Gahanna, Ohio on 12/9/25 at OSTA headquarters. Larry Phillips represented Grievant and OSTA. Grievant was present and testified. Other Union representatives were present as observers.

James Stegner, Labor Relations Officer 3 represented the State Highway Patrol. (OSP) Other management representatives from the OSP and Office of Collective Bargaining (OCB) were present as observers.

The OSP called as witnesses Sgt. Chad Bass who prepared the administrative investigation (AI) and Lt. Reggie Streicher as witnesses.

The Union called Grievant as its witness.

All witnesses were sworn and advised of the strictures of the Motion to Separate.

There were several joint exhibits (Jt. Ex.) presented: Jt. 1- the Jt. Issue statement; Jt. Ex.2-the cba; Jt.3- the grievance trail; Jt.4- the discipline trail.

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 is a twenty-six year employee. He is assigned to the motorcycle unit from the Alum Creek OSP office in Columbus Ohio. He was charged with the following rule violation:

4501:2-6-02 Performance of Duty and conduct

...

(B) Performance of Duty

...

(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 was capable, may be charged with inefficiency. Unsatisfactory performance may be demonstrated by a lack of job-related knowledge, an unwillingness or inability to perform assigned tasks, failure to take action, or failure to take appropriate action at any time.

The facts are not in dispute.

Grievant was assigned to the motorcycle unit on 3/4/25. It is his responsibility to make traffic stops. He was patrolling I-70 area in the area of Pickerington. Grievant is the longest serving Trooper in the motorcycle unit.

Franklin received a dispatch that an individual was walking along the median and carrying a hatchet. At the time he received the dispatch he had already exited the interstate on SR 256. He had made a traffic stop nine minutes earlier.

Grievant advised dispatch that he had just passed the area of the report and had seen no one. He had just been west of I-270 near the Blacklick Woods area.

Grievant heard on the radio that the unit from the Academy [Hamed] was responding to the dispatch about the pedestrian.

Grievant proceeded off the interstate, going away from the area identified in the dispatch call. He went to the Pickerington Nazarene church, used the church bathroom and completed a personal errand of getting a key for a youth sport team he coached at this church. He testified that there were no closer locations than the church to use the bathroom when he exited after receiving the call. Grievant admitted that he was not performing services while he got the key for the basketball team.

He had logged off his MCT seven minutes after he had been dispatched. The MCT while off also eliminates the GPS locating the Trooper.

Grievant stated that he was aware that Hamed was in route. He stated again that he had not seen the pedestrian and knew he lacked the ability to transport anyone on his motorcycle.

Once the pedestrian had been located by Hamed he returned to the scene. Hamed processed the stop.

His next task was to go back to Pickerington and assist with school bus transportation.

Franklin stated that he followed protocol on the date in issue.

Grievant disputed that he had a history of not responding to calls for service. He stated that he is a call response leader. His work evaluations demonstrate he is a very good performer.

Grievant was not disciplined/cited for turning off his MCT. He had logged off seven minutes after he had been dispatched. He was not disciplined for this act. The Umpire did

not consider this as part of the offense but as part of the facts and circumstances surrounding his failure to respond to the dispatch as a primary.

Trooper Hamed from the Columbus post volunteered to also check on the reported pedestrian. Hamed was at the Patrol Academy when he heard and agreed to take the dispatch. The Academy is miles from the location of the event.

Hamed is in a patrol cruiser and thus can transport persons. Grievant due to being on a motorcycle cannot do transport.

Sgt. Bass described his efforts in preparing the AI. Management Ex.1.

Lt. Reggie Streicher testified on behalf of the OSP. He confirmed that Grievant was much closer to the scene than the two other responding Troopers. He noted that Grievant was dispatched first. The Trooper [Hamed] who made it to the scene first arrived from the Patrol Academy.

Streicher 's investigation indicated that Grievant's MCT was turned off during the moments after the call was dispatched. The MCT is required to be on the entire shift.

Per Streicher, this dispatch to find the pedestrian possibly armed and walking on a prohibited area-the highway median-was an important call and Grievant should not have gone in the opposite direction. Grievant did nothing to further investigate the call. Franklin avoided the required response to the dispatch. It was inconsistent with OSP training and expectations. It was an error in judgment for Grievant to go to the church. The first priority is to protect the public. Streicher has emphasized in staff meetings never ignore a call for service and never argue with a dispatcher. [There is no allegation that Grievant argued with the dispatcher. He did not.]

Streicher found the powering off of the MCT "looked" egregious. He noted in questioning that the MCT will log out of CAD [computer assisted dispatch] but cannot power off on its own.

OSP Position

Grievant was not performing a core duty when he left the interstate after the dispatch. Responding to calls for service is a core duty. Lesser discipline diminishes the fact he did not respond to the call for service in a timely manner. The discipline is for just cause.

OSTA Position

There are unnecessary remarks in the AI about alleged prior instances of failure to respond. No discipline was ever imposed for these alleged instances. Grievant was not disciplined for having the MCT off on 3/4/25. The Umpire cannot consider this as a factor in the discipline.

Grievant heard the Columbus Post Trooper Hamed state "I'll take the call" before he left the area. Grievant did not see anyone on the median just before the call came in, and he could not do any transport himself. Franklin knew Hamed was in route. Grievant did nothing meriting any discipline.

His recent performance evaluations indicate he is a responsible and conscientious employee. The discipline is not for just cause. It is not progressive. Grievant has no prior discipline in over 25 years of service. The discipline should be expunged and Grievant made whole.

OPINION

Grievant violated 4501:2-6-02 Performance of Duty and conduct subsection B 5 in his actions on 3/4/25. He did not respond timely or appropriately to the dispatch about the pedestrian. He continued to head away from the area to be checked once he heard that another Trooper was in route. Trooper Hamed was up at the Academy and his response time was significantly longer than Grievant's. A third Trooper Moon also reported.

Grievant claimed he saw no one on the median. That may very well have been true. But he needed to confirm that as he was not headed in the direction where dispatch indicated the pedestrian was walking the median-with a "suspected" hatchet.

Grievant did not testify that his need to use the bathroom was pressingly urgent. The Umpire is personally familiar with the area of his exiting the interstate. There are multiple stops for a restroom in public places-restaurants/gas stations/major retail operations much closer than the church. Franklin's response to the scene was 23 minutes after the original dispatch.

Grievant has a pristine department record. That is the most significant factor in support of mitigation, despite the failure to respond to the dispatch in a prompt manner or to provide information otherwise as to why he could not [need for bathroom]. The volunteer response of Hamed did not alleviate Grievant as primary. Response to a dispatch is a core value; it is a fundamental job responsibility. Grievant did not respond as required on 3/4/25.

Considering Grievant's pristine department record and lengthy tenure, the OSP abused its discretion in imposing a three day fine for its discipline. Under all the facts and circumstances extant, a One day fine would have put Grievant on notice of the errors made in judgment on 3/4/25. It is overly harsh under all the facts and circumstances to impose such a significant penalty herein.

Had it been the established, proven case as alleged in testimony that "This was not the first time" Grievant "slow walked" a response, OSP was required to have put Grievant on notice of its concerns long before it issued the current discipline. Notice is a core requirement of just cause. Grievant is now on direct, formal notice that a failure to promptly, timely respond to a dispatch is grounds for discipline unless there are mitigating circumstances. None were present herein.

Grievant is to have a **One day Fine** placed of record in his department record in lieu of the three day fine. He is to be made otherwise whole in back pay/benefits for the monetary discipline issued.

IT IS SO HEREBY ADJUDGED, ORDERED AND DECREED.

Sandra Mendel Furman

Sandra Mendel Furman Esq. NAA

Sent to the parties on December 12, 2025 by electronic mail.

Sandra Mendel Furman