

ARBITRATION AWARD SUMMARY

OCB Award Number: 121-EXP.

OCB Grievance Number: 86-0434

Union: OCSEA / AFSCME

Department: ODN R

Arbitrator: Crewson

Management Advocate: Jon Weiser

Union Advocate: Allyne Beach

Arbitration Date: 11-24-87

Decision Date: 11-24-87

Decision: modified

ARBITRATION HEARING

Held at 1944 Morse Road,
Columbus, Ohio at 9 a.m. on
November 24, 1987

OHIO DEPARTMENT OF NATURAL RESOURCES

and

OHIO CIVIL SERVICE EMPLOYEES
ASSOCIATION/AFSCME

Grievant: Charlene Reese, Environmental Technician II,
Department of Reclamation

Appearances: For the Employer

Jon Weiser, Advocate
Wm. Demidovich, Labor Relations Officer
Gordon L. Hufford, Witness

For the Union

Allyne Beach, Advocate
Charlene Reese, Grievant
John Porter, Assoc. General Counsel
Acar Caner, Witness
Mary Douglas-Lacy, Witness

Issue: Was the five (5) days suspension imposed on Charlene Reese for just cause? If not, what shall the remedy be?

Award

The five (5) days suspension imposed on the grievant, Charlene Reese, shall be reduced to a three (3) days suspension. Ms. Reese shall be reimbursed for two (2) days of lost wages; the three (3) days suspension shall be placed on her record.

Finding

As maintained by Mr. Weiser, the grievant was disciplined for just cause and a good faith effort for due process was pursued by officials of the Employer. He stated that the five (5) days suspension was compatible with the concept of progressive discipline. Also, he suggested that the Arbitrator should not exceed or expand the adjustment as written on the Official Grievance Form, i.e., "Reimbursement of 5 days lost wages".

However, certain extenuating circumstances were presented by Ms. Beach and the grievant, Ms. Reese: (1) unfortunate communication problems just prior to the pre-discipline hearing resulted in non-attendance by grievant or Union representative, (2) following the written reprimand of December 20, 1985 Ms. Reese did not

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receive oral directions from supervisors for improving her work processes and she was not warned of possible future disciplinary action, (3) grievant had informed management that her work load had been increasing, and (4) item Number 1, Neglect of Duty, of the Disciplinary Guidelines lacked clarity. Further, Ms. Beach maintained that the five (5) days suspension was not commensurate with the offense. Also, Ms. Douglas-Lacy testified that this grievance was the first one she processed as Chief Steward and that she was responsible for the inadequate (incomplete) statement concerning the adjustment required. Ms. Douglas-Lacy reported that she had requested orally that, in addition to pay reimbursement, the suspension be expunged from grievant's record.

Therefore, the principal contentions of the Department's Advocate are sustained. At the same time, as presented by the Union Advocate, the extenuating circumstances and the claim that the discipline was not commensurate with the offense must be recognized.


Harry B. Crewson, Arbitrator