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#147

February 8, 1988


Mr. Jack Burgess
Chief, Arbitration Services
Office of Collective Bargaining
65 East State Street, 16th Floor
Columbus, Ohio 43215

RE: In the Matter of: State of Ohio, State Highway Patrol
and OSCEA/AFSCME

Dear Mr. Burgess:

Enclosed please find the award in the above styled
matter.

Sincerely,



Henry E. Helling, III
Arbitrator

HEH/ch

Enclosure

BEFORE THE ARBITRATOR

In the Matter of:

STATE OF OHIO, OHIO
STATE HIGHWAY PATROL

THE EMPLOYER

and

OHIO CIVIL SERVICE
EMPLOYEES ASSOCIATION
LOCAL 11, AFSCME, AFL-CIO

THE UNION

February 3, 1988
Dayton, Ohio
Grievant: Ronald E. Vincent

Grievance: 87-1140

Arbitrator: Henry E. Helling, III

AWARD

Grievant, Ronald E. Vincent, Jr., a Maintenance Repair Worker II at the Springfield Post of the Highway Patrol, was suspended for one day for failing to report an accident in which he was involved while backing up a Highway Patrol Cruiser on December 12, 1986. Said suspension for neglect of duty, was ordered March 30, 1987, and served March 31, 1987. It is noted that Grievant was issued a written reprimand on January 22, 1987, for inefficiency for being involved in the chargeable patrol car accident. Said accident consisted of Grievant backing patrol car #626 into an exposed well-head pipe and causing minor damage to the left rear panel.

Evidence was presented by the employer to show that Grievant was in fact guilty of backing into the well-head pipe and causing the damage to the cruiser. Evidence further showed that Grievant did not report said accident on the day that it occurred. This Arbitrator can understand the employer's position that although the accident was minor it should have been reported at once. However, Grievant was in fact disciplined for his action on January 22, 1987, by written reprimand. Article 24.02 of the

collective bargaining agreement between the parties states that any arbitrator deciding a discipline grievance must consider the timeliness of the employer's decision to begin the disciplinary process. I find no reason for the employer to issue a written reprimand on January 22, 1987, and follow with a one day suspension on March 30, 1987. Evidence presented showed that Grievant was guilty of the offense as charged, but there was nothing presented to show that he could not have been suspended January 22, 1987, at the time he was issued the written reprimand. A suspension issued over three months from the date of the offense clearly does not fall within the spirit of Article 24.02 of the contract between the parties.

The Arbitrator finds that the written reprimand issued to Grievant January 22, 1987, was not unreasonable based on the investigatory process required by the facts presented in this case. I do find however that the period of time elapsed for Grievant to be suspended was in fact unreasonable.

I hereby find that the written reprimand issued Grievant was commensurate with the offense based on the evidence submitted and shall stand. I further find that the one day suspension was untimely and should be rescinded accordingly. Grievant should be paid for the one day he was unable to work and the suspension should be expunged from his record.



Henry E. Helling, III
Arbitrator

Issued February 8, 1988