

ARBITRATION
BENCH DECISION AND AWARD

157

Arbitrator: James Klein

State of Ohio

Grievance No. G87-1611

Department of Transportation

Grievant Francis Roidt

Union OCSEA/AFSCME

Date of Hearing February 25, 1988

Issue(s): Was the grievant suspended for three (3) days with just cause? If not, what should the remedy be?

Appearances:

For the Employer: (Advocate) Ed Morales, Office of Collective Bargaining

For the Union: (Advocate) Bob Rowland, OCSEA/AFSCME

AWARD: See Attachment.

Issued at _____

Arbitrator's Signature

Date

The grievant received a three (3) day suspension pursuant to Section 24.01 of the collective bargaining agreement for alleged violations of Directive A-301 (3), (4), (34), (35), and (36). The grievance arose out of incidents occurring on April 17, 1987 when grievant was working as group leader on a work crew. The State alleged that grievant verbally abused a co-worker, Scott Davis, by calling him a "dumb son of a b____" in violation of A-301 (3). The State further alleged that the grievant struck Mr. Davis on the back of the head in violation of A-301 (4). Finally, the State charged that grievant failed to carry out his responsibility to insure the proper placement of safety signs during performance of road work.

After reviewing the documentary evidence and the testimony of the grievant and two witnesses, Mr. Davis and David Coffman, the arbitrator finds that the three day suspension for striking Mr. Davis and for using insulting language toward Mr. Davis was for just cause within the meaning of the collective bargaining agreement. The arbitrator further finds that the State failed to meet its burden of proving that the grievant violated any of the Directives relating to the proper placement of safety signs during the performance of the work crew's duties.

For the above-stated reasons the grievance is denied in part and upheld in part. The three (3) day suspension is upheld.

Issued at Toledo, Ohio
February 26, 1988

James M. Ick
Arbitrator