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PERSONNEL OFFICE

Case No. G87-1911

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 In the Matter of Arbitration *
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 Between *
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 OCSEA/AFSCME Local 11 *
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 and *
 *
 The State of Ohio, Department of *
 Rehabilitation and Correction *
 *

Appearances: For OCSEA/AFSCME Local 11:

Carol Bowshier
 John Porter
 OCSEA/AFSCME Local 11
 995 Goodale Blvd.
 Columbus, OH. 43402

For Department of Rehabilitation and Correction:

Richard Hall
 Nick Menedis
 1505 Freeway Drive
 Columbus, OH. 43229

Introduction: This matter came to be heard before Harry Graham of South Russell, OH. on April 8 and 12, 1988. During the course of the hearing the parties engaged in a thorough exploration of the circumstances that gave rise to this controversy. As a result the Arbitrator is able to make this award without the extensive recitation of the position of the parties and discussion that practice demands accompany any arbitration decision.

Issue: At the hearing the parties engaged in a great deal of discussion concerning the formulation of the issue that was before the Arbitrator. The Arbitrator finds the proper issue

to be:

Was the discharge of James L. Wolfe, Jr. for just cause?
If not, what shall the remedy be?

Award: As indicated above, due to the circumstances of this dispute it is unnecessary to engage in the drafting of a lengthy opinion. The award is as follows:

The Grievant, James L. Wolfe, Jr., is to be reinstated to employment. That reinstatement is to be effective to the date of his discharge plus a ten (10) day suspension. Reinstatement is to be with will back pay, less any interim regular earnings. No calculation of any overtime hours the Grievant would have earned but for this wrongful discharge nor any overtime hours actually earned in any interim employment is to be made.

In the event the Grievant experiences future discipline the Employer is to practice progressive discipline. The Grievant's prior disciplinary record is to be retained for the purposes of showing his work history, if necessary. It is not to be used for purposes of assessing the appropriate penalty in any future discipline. For purposes of this award it is to be considered that the ten (10) day suspension referred to above has been served, commencing on May 8, 1987.

If the Grievant is required to reimburse the Unemployment Compensation system of the State of Ohio for any benefits received, the State is to reimburse the Grievant for an identical amount. If no reimbursement is required by the

Unemployment Compensation system the State may deduct from the amount of money due and owing to the Grievant any amounts paid to the Grievant by the Unemployment Compensation system.

James L. Wolfe, Jr. shall be reinstated to employment effective with the pay period commencing 12:01AM April 24, 1988.

For purposes of resolving any subsequent disputes that may arise over this award the Arbitrator will retain jurisdiction over this dispute for a period of 30 days from April 14, 1988.

Signed and dated this 14th day of April, 1988 at South Russell, OH.

Harry Graham
Harry Graham
Arbitrator