

ARBITRATION AWARD SUMMARY

OCB Award Number: 288

OCB Grievance Number: 31-08-880407-0062

Union: OCSEA/AFSCME

John R. Galligan

Department: ODOT

Arbitrator: Harry Crewson

Management Advocate: Carl Best

Union Advocate: Penny Lewis

Arbitration Date: 6-1-89

Decision Date: 6-8-89

Decision: Denied

ARBITRATION HEARING

ODOT, Lebanon, Ohio June 1, 1989

OHIO DEPARTMENT OF TRANSPORTATION
(Hereafter referred to as the Department)

and

OHIO CIVIL SERVICE EMPLOYEES ASSOCIATION/AFSCME
(Hereafter referred to as the Union)

Grievance No. 31-08-04-07-88-62-01-06

John R. Galligan, grievant

For the Union

Penny Lewis, Advocate, Staff Representative, OCSEA
Sue J. Hall, Chief Steward, OCSEA
John R. Galligan, grievant

For the Department

Carl Best, Advocate, Labor Relations Officer, ODOT
Michael Duco, Office of Collective Bargaining
William Joiner, Superintendent, Hamilton County, ODOT

Issue:

Whether or not a one (1) day suspension given to John R. Galligan was for just cause and, if not, what shall be the appropriate remedy.

Position of the Department (In brief)

On April 14, 1988, the grievant, John R. Galligan, called his supervisor, James Bell, at approximately 12:10 p.m. and notified him of his intention to be absent. This call-in report was not done in a timely manner. The grievant was aware of the rules concerning call-in reports in bases involving illness; he had called in and reported illness in a proper manner on April 11, 12 and 13.

On July 1, 1988, the grievant was suspended for one (1) day, effective July 7, 1988.

The grievant had received a written reprimand on February 4, 1988, for the same offense; that is, violation of Directive A-301, Items 2(c) and 16.

The grievant was disciplined for just cause and the suspension was consistent with the principle of progressive discipline. The Union grievance should be denied in its entirety.

Position of the Union (In brief)

The advocate for the Department referred to violations of work rules by the grievant in 1985 and 1986. These infractions were prior to the Contract which went into effect July 1, 1986 and, therefore, are not relevant to the present case.

The grievant did call in at the proper time on April 14 and claims that he was told by Supt. Joiner to call back and to speak with his supervisor, James Bell. Further, the Union contended that the grievant, who was taking medication and running a high temperature, was unable to call back until approximately 12:10 p.m.

According to Article 29.02, extenuating circumstances should be recognized by the Department. The Union advocate maintained that such circumstances did prevail on the morning of April 14, 1988

The suspension was not for just cause and was not consistent with progressive discipline.

The grievance should be sustained; the grievant should receive one (1) day of pay; and the suspension should be expunged from the record of the grievant.

Decision


The position of the Department is sustained.

The grievance is denied in its entirety.

Comments

The Union advocate requested that the 1985 and 1986 infractions of work rules by the grievant were not relevant to this case; the request was honored. However, the grievant did receive a written reprimand on February 4, 1988. The one (1) day suspension, effective July 7, 1988, was compatible with progressive discipline.

An examination of the written and oral testimony supports the position of the Department that the suspension was for just cause. The claim by the Union that extenuating circumstances existed on the morning of April 14, 1988, was not persuasive.


Harry B. Crewson
Arbitrator