

Howard D. Silver  
Arbitrator  
Columbus, Ohio

---

In the Matter of Arbitration  
Between

Case No.  
28-02-(12-16-88)-09-02-12

The State of Ohio  
  
and

Grievant:  
Otis Crusoe

The Ohio Health Care Employees Union  
District 1199, WV/KY/OH  
National Union of Hospital and  
Health Care Employees, AFL-CIO

---

#### APPEARANCES

For The State of Ohio

Joseph E. Shaver, Management Representative  
Ohio Department of Rehabilitation  
and Correction

Louis Kitchen, Management Representative  
Office of Collective Bargaining

For The Ohio Health Care Employees Union,  
District 1199, WV/KY/OH  
National Union of Hospital and  
Health Care Employees, AFL-CIO

Kathy Kraemer, Labor Representative  
Ohio Health Care Employees Union,  
District 1199

#### ISSUE

Was the Grievant, Otis Crusoe, given a ten day suspension for  
just cause, and, if not, what should the remedy be?

The hearing in this matter was held on October 4, 1989 and October 30, 1989. The October 4, 1989 segment of the hearing herein occurred within the offices of the Ohio Department of Administrative Services's Office of Collective Bargaining, 65 East State Street, Columbus, Ohio. The October 30, 1989 portion of the hearing herein was conducted within a hearing room within the Gem City Savings Building located on Main Street, Dayton, Ohio. The parties were afforded a full and fair opportunity to present testimonial and documentary evidence, examine and cross-examine witnesses, and make arguments supporting their positions. The record in this matter was closed on October 30, 1989.

#### BACKGROUND

The grievant, Otis Crusoe, is an employee of the Ohio Adult Parole Authority, an agency within the Ohio Department of Rehabilitation and Correction. Mr. Crusoe, during all times relevant to this matter, has been employed within the Adult Parole Authority's Dayton Office. Mr. Crusoe has been employed by the Adult Parole Authority as a Parole Officer 1 since December, 1981.

The purpose of Mr. Crusoe's position is to provide supervision to probationers, furloughees and parolees who are returned to the community following sentencing and placement on probation, or following release from incarceration following satisfaction of part of a sentence of imprisonment. As a Parole Officer 1 Mr. Crusoe is responsible for ensuring that probationers, furloughees and

parolees honor the conditions of their probation, furlough or parole.

Mr. Crusoe's employment record includes a written reprimand received July 10, 1987 wherein the employer complained that Mr. Crusoe had neglected to dictate ten cases he had staffed and therefore had not followed an established system for reporting such cases to the Department's central office. The concluding paragraph of this written reprimand reads as follows: "Certainly you must realize the gravity of this situation, and furthermore, that conduct of this nature cannot be tolerated. Based on the above, you are hereby being given a written reprimand." See Employer Exhibit 9.

Also within Mr. Crusoe's employment history with the Ohio Adult Parole Authority is a three day suspension effective June 28, 1988 for failure to dictate reports under the reporting system required by the employer. See Employer Exhibit 10. Neither the written reprimand received on July 10, 1987 nor the three day suspension imposed on June 28, 1988 were grieved by Mr. Crusoe and at hearing Mr. Crusoe stated that he accepted punishment in both cases as he felt he had in fact violated work rules reasonably required of his position. At hearing Mr. Crusoe stressed that has never avoided punishment when he felt it was deserved.

Also within the record of this matter is the performance evaluation issued to Mr. Crusoe on January 5, 1988. This performance evaluation reflects satisfactory ratings in all categories but provides under rater's comments that in the several

months previous to this evaluation Mr. Crusoe's motivation had dwindled considerably. These comments go on to state that the employer held a conference concerning this and was hopeful that Mr. Crusoe's performance would improve. See Union Exhibit 1.

One of the responsibilities of Mr. Crusoe as a Parole Officer 1 within the Dayton Office has been to conduct placement investigations which are intended to review the environment and circumstances of the place within which a parolee is to reside following release from custody. The policies and procedures established by the Ohio Adult Parole Authority on how such placement investigations are to be conducted are contained within APA Bulletin 510, a policy and procedural statement issued by the Adult Parole Authority effective December 1, 1984. See Employer Exhibit 3.

According to Bulletin 510 it is the policy of the Adult Parole Authority to investigate all proposed placements in the community, to obtain an approved placement prior to actual release from the institution, and to ensure that all prospective parolees are released on their parole date or as soon thereafter as possible. No placement is to be approved which clearly jeopardizes other persons in the home or the community. Bulletin 510 provides that the purpose of a placement investigation is to determine potential problems the parolee may be confronted with during the parole period and to minimize those problems by seeking the best possible living arrangements for the parolee. The primary considerations governing placement approval, according to Bulletin 510, are

community safety, favorable environmental factors, and providing the parolee with the best possible placement for the opportunity to successfully complete parole.

According to Bulletin 510 considerations to be kept in mind during a placement investigation include the physical facilities of the home, family relationships, the financial resources of the sponsor, the immediate environment in the home, family attitudes, temptation potentials in the home and neighborhood including accessibility to weapons, the willingness and sincerity of relatives, the availability of employment or employment prospects, accessibility to former associates, criminal and police records of persons living in the home, and the attitudes of law enforcement authorities and others. Bulletin 510 holds that the recommendation of the placement is to be determined through the evaluation of the parole officer conducting the placement investigation, with input from the officer's unit's supervisor. The final approval of the placement is made by the unit supervisor.

The allegations lodged against the grievant in this matter arise from activities beginning on June 20, 1988. On that date Mr. Crusoe has claimed to have conducted three placement investigations for three parolees, Terrell Pooler, Sanford Straight and Mark Russell. Mr. Crusoe recommended all three placements and these recommendations were presented to Patricia Dorney, the Supervisor of Unit 1 within the Dayton Office. Ms. Dorney has served in this position since 1984 and has served as a parole officer within the Adult parole Authority since January, 1975.

Mr. Crusoe is employed within Unit 2 of the Dayton Office but as both the senior officer for Dayton's Unit 2, William H. Woods, and the Supervisor of Unit 2, Daniel E. Voight, Jr., were away from the Dayton Office on June 21, 1988, Mr. Crusoe's placement recommendations for parolees Pooler, Straight and Russell were presented to Ms. Dorney by a secretary within the Dayton Office, Kim Robinson. Ms. Dorney was told by Ms. Robinson that these placements, according to instructions received from Mr. Crusoe, were to go out no later than June 21, 1988. Ms. Dorney reviewed the placement recommendations and noted her approval for these placements .

According to Ms. Dorney who testified at hearing, prior to the placements being mailed out she received a telephone call from a person who identified herself as Teresa Pooler, wife of Terrell Pooler, one of the parolees whose placements had just been approved by Ms. Dorney. Ms. Dorney testified that this caller requested information as to whether her husband had been assigned to a parole officer yet. Ms. Dorney informed the caller that Terrell Pooler had been assigned to Parole Officer Otis Crusoe and the caller informed Ms. Dorney that she had been contacted by no one from the Adult Parole Authority prior to this conversation. Ms. Dorney testified that she asked the caller whether the caller knew an Otis Crusoe and the caller informed Ms. Dorney she knew of no one by that name and had had no previous contact with Mr. Crusoe.

Ms. Dorney testified that she then contacted the mother of Sanford Straight, Catherine Straight, and also contacted the

grandmother of Mark Russell, Geraldine Lovejoy. Ms. Dorney testified that she was told by Catherine Straight that she had never been contacted by Mr. Crusoe, and Ms. Lovejoy told Ms. Dorney that she had talked to Mr. Crusoe on one occasion but on a date other than that which appeared on the placement report.

William H. Woods, a twelve year employee of the Adult Parole Authority, has served as a senior officer within the APA's Dayton Office since June, 1988. Prior to his tenure in the Dayton Office Mr. Woods worked as a unit supervisor in the APA's Youngstown Office.

After Ms. Dorney talked to Ms. Pooler, Ms. Straight and Ms. Lovejoy, she contacted Terry Lyons, an APA Regional Supervisor within the APA's Cincinnati Office. Mr. Lyons requested that Mr. Woods perform an investigation of the placement investigations involving Messrs. Pooler, Straight and Russell conducted by Mr. Crusoe. Mr. Woods conducted this investigation as directed and issued a report to his immediate supervisor, Daniel E. Voight, the supervisor of the Dayton Office's Unit 2, on July 13, 1988. This report appears in the record as Employer's Exhibit 1.

Within this report Mr. Woods explains that on June 22, 1988, the day after Ms. Dorney reviewed the placements of parolees Pooler, Straight and Russell prepared by Mr. Crusoe, Mr. Woods contacted Catherine Straight at her residence, Geraldine Lovejoy at her residence, and Teresa Pooler at her residence. Mr. Woods explains within his report of July 13, 1988 that Ms. Straight told him she had received no contact as to her son's placement prior to

a telephone conversation with Ms. Dorney on June 21, 1988; Ms. Lovejoy stated that she received a telephone call from a gentleman who identified himself as Otis Crusoe at 11:00 a.m. on June 21, 1988, and was asked three questions by Mr. Crusoe. These questions were whether she was the grandmother of Mark Russell, whether it was alright for Mark Russell to stay with her, and whether Mr. Russell could be picked up at the institution from which he was to be released. Mr. Woods states within his report that he was told by Ms. Lovejoy that no other questions were asked of her by Mr. Crusoe. Mr. Woods provides in his report that on June 22, 1988 he was told by Ms. Pooler that she had had no contact from the Adult Parole Authority prior to her conversation with Ms. Dorney on June 21, 1988. Mr. Woods states within his report that Ms. Pooler said she had a brother-in-law living with her and no children were living in the home.

On July 6, 1988 Mr. Woods recontacted Ms. Straight who personally told him that no one in the household had had contact with representatives of the Adult Parole Authority on June 20 or 21, 1988, other than the conversation with Ms. Dorney. On July 6, 1988, Mr. Woods, as reflected within his report, recontacted Teresa Pooler at her residence and was told again that neither Ms. Pooler nor her brother-in-law, who she had checked with, had received contact from representatives of the Adult Parole Authority prior to the conversation with Ms. Dorney on June 21, 1988.

Mr. Woods concludes within his report that Officer Crusoe did not contact Catherine Straight about Stanford Straight prior to his



recommendation of the placement plan, and it is also Mr. Woods's conclusion that Officer Crusoe did not contact Teresa Pooler prior to Mr. Crusoe's placement recommendation involving Terrell Pooler. In reference to the Pooler placement investigation, Mr. Woods points out within his report that the placement turned in by Officer Crusoe stated that Mr. Pooler would not be called for at the institution upon his release and would utilize public transportation. Mr. Woods states in his report that this had not been the wish of Teresa Pooler as she had told Mr. Woods that she and her husband's mother, Earnestine Mills, would pick Terrell Pooler up at the Talbert House in Cincinnati, Ohio on July 1, 1988. Mr. Woods also concluded within his report that, in his opinion, the contact by Officer Crusoe concerning the placement of Mark Russell with Geraldine Lovejoy did not constitute a complete investigation. Mr. Woods culminates his report by pointing out the placement investigations, based on the information gathered by Mr. Woods through his personal contacts with Ms. Pooler, Ms. Straight and Ms. Lovejoy, were approved by Ms. Dorney and directed to appropriate institutions.

Mr. Woods testified at hearing that placement investigations require a home visit to talk to the residents of the home to which the parolee is to be placed. Mr. Woods explained that a personal visit is essential to determining if a placement is appropriate for a parolee. Mr. Woods testified that there are no telephone procedures approved for use in lieu of a face to face contact in the conduct of placement investigations. Mr. Woods explained that

he does not approve placements without a face to face investigation having occurred at the residence to which the parolee is to live. Mr. Woods stated that he had never conducted a placement investigation over the telephone and could not recall anyone else within the Dayton Office conducting a placement investigation by telephone.

Also testifying at hearing was Daniel E. Voight, Jr., an APA employee since January, 1970. Mr. Voight has been serving as a unit supervisor within the Dayton Office since 1987 and explained that at the time of hearing there were four parole officers within the unit he supervises, Dayton Unit 2. Mr. Voight also explained that Dayton Unit 2 was then two parole officers down from its intended complement of officers. Mr. Voight testified that Mr. Crusoe is assigned to Dayton Unit 2 and is supervised by Mr. Voight and Mr. Woods.

Mr. Voight explained that at the time that Mr. Crusoe turned in his recommendations for placement for Terrell Pooler, Sanford Straight, and Mark Russell on June 20 or 21, 1988, Mr. Voight had been on vacation and away from the offices of the Dayton Office. Mr. Voight stated that he received a report from Ms. Dorney dated July 18, 1988 and identified this report as Employer's Exhibit 2. Mr. Voight also identified Bulletin 510, the policy and procedural memorandum on placement investigations issued by the Adult Parole Authority, as Employer's Exhibit 3. Mr. Voight stated that all parole officers work under the mandates of Bulletin 510.

Mr. Voight testified that placement investigations conducted over the telephone are acceptable if there has been an emergency release from an institution. Mr. Voight also stated that if a parole officer travels to a residence and no one is at home, the parole officer is to leave a message to call the parole officer, and under these circumstances the placement investigation may be conducted over the telephone. Mr. Voight stated that when a parole officer conducts a placement investigation over the telephone he is to discuss the reasons why the investigation was conducted over the telephone with the unit supervisor staffing the placement. Mr. Voight explained that in most cases personal contact is made with sponsors for the purpose of conducting a placement investigation.

Mr. Voight then identified Employer's Exhibit 4 as the placement investigation request forms, commonly referred to as green sheets, for Terrell Pooler, Sanford Straight and Mark Russell. On the Terrell Pooler placement form completed by Mr. Crusoe there appears a contact date of June 20, 1988, and a recommended placement with Terrell Pooler's wife at 2010 Grand Avenue, and the statement that the parolee will not be called for. For Sanford Straight the recommended plan is for placement with Catherine Straight, the mother of Sanford, and there appears a contact date of June 20, 1988. For Mark Russell there appears a contact date of June 20, 1988 and a recommendation for placement with Geraldine Lovejoy.

Mr. Voight then identified Employer's Exhibit 5 as the daily contact sheet utilized by Mr. Crusoe to list his daily activities

for June 20, 1988 and June 21, 1988. According to Mr. Voight, this daily activity log is intended to reflect the activities of a parole officer when on duty on a given day and is to include any contacts made in the performance of placement investigations. Mr. Voight noted that nowhere on the daily contact sheet filled out by Mr. Crusoe for June 20, 1988 or on the daily contact sheet filled out by Mr. Crusoe for June 21, 1988 does there appear any mention of personal or telephone contact with anyone connected with the placements of Messrs. Pooler, Straight and Russell. Mr. Voight pointed out that on the daily contact sheet for June 20, 1988 Mr. Crusoe listed his work time for that day running from 8:12 a.m. to 4:45 p.m.

On July 5, 1988 Mr. Voight directed a memorandum to the Chief of the Adult Parole Authority, John Shoemaker. Within this memorandum Mr. Voight recommended that Mr. Crusoe be cited for violation of two work rules: rule 6A, referring to insubordination in the form of failing to carry out an assignment; and rule 21, a rule involving willfully falsifying, altering or removing any official documents arising out of employment with the Department of Rehabilitation and Correction. This recommendation was approved and Mr. Crusoe was ultimately suspended for a period of ten days. The work rules at issue appear in the record of this matter within Joint Exhibit 3. The first page of Joint Exhibit 3 notes Mr. Crusoe's receipt of these rules on October 28, 1987.

Under questioning by the Union representative, Mr. Voight testified that he had been supervising Mr. Crusoe for two to three

years and found him to be a generally reliable worker. Mr. Voight stated that he felt he could count on Mr. Crusoe in a pinch and said he trusted Mr. Crusoe. Mr. Voight pointed out that Mr. Crusoe handles himself very well with parolees and stated that Mr. Crusoe in the past had admitted mistakes when he had made them and had worked to correct them. Mr. Voight also pointed out, however, that he had begun to question Mr. Crusoe's dedication to his assigned duties and would like to think that Mr. Crusoe would not lie to Mr. Voight.

Also appearing at hearing was Catherine Straight, the mother of Sanford Straight. Ms. Straight testified that Sanford became eligible for parole in June, 1988 but she could not recall a telephone conversation with Ms. Dorney. Ms. Straight testified that she talked to a man who came to her house, a white man she believed to be Mr. Woods. Ms. Straight was unable to recall whether she had been contacted previously but stated that she had had no contact from Mr. Crusoe prior to her contact by Mr. Woods. Ms. Straight testified that the man who came to contact her, the man she believes to be Mr. Woods, told her at that time that the parole officer for Sanford was Otis Crusoe, and she said that this conversation had occurred prior to the time that Sanford had been released. Ms. Straight testified that a few days after a call from Mr. Crusoe she received a personal visit by Mr. Crusoe and said that this too had occurred prior to Sanford being released. Ms. Straight was unable to recall a telephone call from a female representative of the Adult Parole Authority and did not think that

she had talked to Mr. Crusoe prior to talking to Mr. Woods, but was not positive about this.

Also testifying at hearing was Geraldine Lovejoy, the grandmother of Mark Russell. Ms. Lovejoy stated that Mark was eligible for parole in June, 1988 and said she had received a telephone call from a representative of the Adult Parole Authority. Ms. Lovejoy stated that she talked to a Mr. Crusoe on one occasion but was unable to recall whether the telephone call had occurred before or after a woman had contacted her from the Adult Parole Authority. Ms. Lovejoy stated that she was asked by Mr. Crusoe during his telephone call whether Mark could come stay with her, was asked no questions about her home, but said that Mr. Crusoe stated he would help Mark find a job. Ms. Lovejoy testified that Mr. Crusoe did not make a personal visit to the home until after Mark had been released and was living within her residence.

The grievant, Otis Crusoe, also testified at hearing. Mr. Crusoe testified that he had been serving as a Parole Officer 1 since December, 1981, and acknowledged the written reprimand and three day suspension previously received. He stated that he accepted his punishment for these disciplinary actions because he had not followed policy in both instances and therefore accepted his punishment without appeal. Mr. Crusoe pointed out that other than this written reprimand and the three day suspension, his eight year work record with the Adult Parole Authority has been spotless.

Mr. Crusoe testified that at the time of hearing he had seventy cases assigned to him and at one time had had as many as ninety cases within his caseload.

Mr. Crusoe testified that he contacted Catherine Straight and Geraldine Lovejoy by telephone for purposes of placement investigations for Sanford Straight and Mark Russell, and had contacted Teresa Pooler in person during the placement investigation for Terrell Pooler. Mr. Crusoe stated that the location of the Pooler home was in a high crime area; Mr. Pooler was on parole from a violent criminal conviction; and Mrs. Pooler was known to be a drug user. Mr. Crusoe stated that he contacted Ms. Straight by telephone due to time constraints because the report had to go out and he was under a very strict deadline. Mr. Crusoe testified that he doubted Mrs. Pooler had contacted Ms. Dorney and stated that it had probably been a girlfriend of Mr. Pooler who Mr. Crusoe stated had several. Mr. Crusoe testified that Mrs. Pooler had been well aware of the parole date of her husband.

Under questioning by the representative of the Employer, Mr. Crusoe testified that placement investigations are supposed to be conducted face to face. He explained, however, that placement investigations may be conducted over the telephone rather than in person due to time constraints caused by being tied up with other things, such as revocation hearings. Mr. Crusoe stated that under Mr. Voight's supervision it was his understanding that he had the

latitude to conduct a telephone placement investigation when he felt it was warranted.

Mr. Crusoe was asked why there was no notation of these placement contacts on his contact sheets, to which Mr. Crusoe responded that he rarely noted placement contacts on his daily log no matter whether the contacts were over the telephone or in person. Mr. Crusoe stated that he had noted them occasionally in the past and when he did so he noted whether they had been telephone or in person contacts.

Under redirect examination by the Union representative, Mr. Crusoe pointed out that if placements are not completed under a deadline Mr. Voight gets upset because of the pressure Mr. Voight receives from the region to get the placements completed. Mr. Crusoe stated that until a placement is approved a parolee cannot be released from custody.

In rebuttal, the Employer recalled Daniel Voight and Mr. Voight explained that placements are assigned to parole officers and they are expected to be completed within two weeks. Mr. Voight stated that he had received no requests from Mr. Crusoe for telephone contacts for the purpose of completing placement investigations. However, under questioning by the Union representative, Mr. Voight agreed that he had not required that telephone contacts be cleared with him and explained that telephone contacts had been accepted in the past, but usually when there was some necessity for this alternative procedure.



## ANALYSIS

The parties stipulated at hearing that this matter is fully arbitrable and properly before the arbitrator.

Mr. Crusoe is charged by the Employer with violating rules 6A and 21 of the Department of Rehabilitation and Correction's Standards of Employee Conduct. Rule 6A refers to insubordination for failure to carry out an assignment, and rule 21 refers to willfully falsifying, altering or removing any official document arising out of employment with the Department.

The alleged violation of rule 6A addresses whether Mr. Crusoe fulfilled his job responsibilities in conducting placement investigations of three parolees, Terrell Pooler, Sanford Straight and Mark Russell. Obviously, if the position of the State is given credence the lack of contact of any kind by Mr. Crusoe with Teresa Pooler and Catherine Straight reflects placement investigations which are shams, as no investigation of any kind was conducted. These would clearly be examples of failure to carry out work assignments and therefore would constitute violations of rule 6A.

If the Union's contention is found the more persuasive in this matter, to the effect that Mr. Crusoe did contact Teresa Pooler in person and did contact Catherine Straight by telephone, the fact that contacts had been made would reflect some form of investigation and the content of the investigations would then have to be assessed in order to determine whether the rule had been violated.

The determination of whether Mr. Crusoe made contact of any kind with Ms. Pooler and Ms. Straight on or about June 20, 1988 is therefore a threshold question. At hearing, Mr. Crusoe contended in his testimony that he had contacted Teresa Pooler in person and had contacted Catherine Straight over the telephone. This is the sum total of the evidence presented on behalf of the grievant supporting the claim that these investigative contacts had been made.

The evidence presented to the contrary includes the testimony of Patricia Dorney and reports previously issued by Ms. Dorney in mid-1988; the testimony of Mr. Woods and his previous reports which state that he contacted Teresa Pooler and Catherine Straight in person on June 22, 1988 and July 6, 1988, and the assertion by Mr. Woods that on both of these occasions was told that Mr. Crusoe had not made contact with these individuals prior to June 22, 1988.

There is also the testimony of Ms. Straight at hearing. Ms. Straight is an elderly woman who is not in good health and who appeared physically uncomfortable at hearing. Ms. Straight complained of the discomfort and inconvenience she underwent in arriving at the hearing and asked that she not be bothered about this matter in the future. Ms. Straight also could not recall at hearing the telephone call from Patricia Dorney but was able to recall that she had had no contact with Mr. Crusoe prior to talking to a white man she believed to be Mr. Woods, but was not positive about this.

There is, however, another piece of evidence which should be considered in assessing the conflicting claims of the parties as to whether Mr. Crusoe in fact made the contacts he claims to have made involving Ms. Pooler and Ms. Straight on June 20, 1988. This piece of evidence is Employer's Exhibit 5 and is a photostatic copy of the daily activity reports prepared by Mr. Crusoe for June 20 and 21, 1988. On both log sheets there appears the names of persons contacted by Mr. Crusoe, and the types of contact made, whether over the telephone, during an office visit, or during an off premises personal contact. On June 20, 1988 Mr. Crusoe lists eight contacts of which five are telephone contacts appearing as p.c. on this form; and on June 21, 1988 there appears thirteen names with a telephone contact listed for Geraldine-mother, and a telephone contact listed as Lucille Crother-aunt. It is curious, if the contacts claimed by Mr. Crusoe had been made, why none of them appears on the daily logs he maintained for June 20 and 21, 1988. Mr. Crusoe's explanation at hearing that he commonly does not note placement investigation contacts does not explain why such contacts are not noted, only that he does not make such notations on most occasions, though he testified he does note such contacts occasionally.

The evidence presented by Ms. Dorney, Mr. Woods and Ms. Straight, coupled with the lack of any mention of the contacts claimed to have been made by Mr. Crusoe on his daily activity sheets for June 20 and 21, 1988, persuades the arbitrator that a preponderance of evidence shows it to be more probable that the

contacts claimed as having been made by Mr. Crusoe on June 20, 1988 as to Ms. Pooler and Ms. Straight were in fact not made. This determination reflects a violation of rule 6A as Mr. Crusoe failed to carry out a reasonable assignment involving placement investigations for parolees within his caseload.

The arbitrator also questions Mr. Crusoe's placement contact involving Ms. Lovejoy. While there is no dispute that Mr. Crusoe did telephone Ms. Lovejoy on June 20, 1988, there is a very real question as to whether the placement investigation was adequate based solely on this contact. Ms. Lovejoy, through her statements to Mr. Woods and her testimony at hearing, appears to have been asked three questions, namely whether she was the grandmother of Mark Russell, whether Mr. Russell could stay at her residence, and whether she could pick up Mr. Russell from the institution. There was no mention by Mr. Crusoe at hearing as to why a telephone call was deemed warranted in the placement of Mr. Russell rather than a face to face visit and it is difficult to rationalize the three questions put to Ms. Lovejoy by Mr. Crusoe as a satisfactory investigation supporting a recommendation for placement at the Lovejoy residence. The arbitrator is therefore also persuaded that the inadequate investigation conducted by Mr. Crusoe as to the Mark Russell placement also constitutes a violation of rule 6A.


Having found that the contacts with Ms. Pooler and Ms. Straight did not occur, it is also found that the placement recommendations issued by Mr. Crusoe as to Mr. Pooler, Mr. Straight and Mr. Russell represent documents which Mr. Crusoe intended to

be understood to stand for properly and adequately conducted placement investigations. To the extent that Mr. Crusoe prepared and submitted documents reflecting that satisfactory placement investigations had been conducted for each of these three parolees, the arbitrator finds such statements to be false.

Having found that Mr. Crusoe did not make the contacts necessary to the placement investigations of the three parolees at issue, it remains to determine whether the discipline imposed by the Employer should be sustained. The failure of Mr. Crusoe in adequately performing the placement investigations in question represent a neglect of duty associated with an extremely important duty bearing on the safety of the community, sponsors, relatives of parolees, and the parolees themselves. Considering the importance of the information to be gathered in making a recommendation as to placement on the safety of these people and the community, the arbitrator views the neglect of Mr. Crusoe in this area as serious. Considering that Mr. Crusoe has had within the two years previous to hearing a written reprimand and a three day suspension, both of which were associated with neglect of duty, the discipline imposed for the neglect of duty found herein to be chargeable to the grievant is determined reasonable under the contract and the circumstances associated with the misconduct determined proven.

AWARD

1. The Grievant, Otis Crusoe, was given a ten day suspension for just cause.
2. The grievance is denied.

  
Howard D. Silver  
Arbitrator

November 22, 1989  
Columbus, Ohio