

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: JERRY A. FULLMER

State of Ohio

Grievance No. 11-01-(88-09-28)0051-01-09

Department O B E S

Grievant Henry Talley

Union OCSEA, Loc. 11

Date of Hearing 2/15/90

Issue(s): Three Day Suspension For Threat To Kill
Supervisor.

Appearances:

For the Employer: (Advocate) VICTORIA E. ULLMAN

For the Union: (Advocate) ALYNE BEACH

AWARD: GRIEVANCE SUSTAINED. Threats To Kill
SUPERVISORS ARE INTOLERABLE ALMOST WITHOUT REGARD
TO PROVOCATION. BUT, IN THIS CASE SUPERVISOR WAS UNABLE
TO TESTIFY BECAUSE HE HAS MOVED OUT OF STATE. THE
ARBITRATOR WAS THUS UNABLE TO EVALUATE HIS VERSION
OF THE INCIDENT & THE UNION TO CROSS EXAMINE
THE ~~ONE~~ ONLY OTHER WITNESS. WHO CLAIMED TO HAVE
HEARD THE THREAT, BOOTH, DID NOT SEEM TO
HAVE HEARD THE ENTIRE CONVERSATION. UNDER
THE CIRCUMSTANCES THE EVIDENCE DOES NOT
MEET THE JUST CAUSE STANDARD. THREE
DAYS BACK PAY & EXPURGENT.

Issued at Columbus, Ohio
2/15/90
Date

J. A. Fullmer
Arbitrator's Signature