

ARBITRATION  
BENCH DECISION AND AWARD

Arbitrator: Craig Allen

State of Ohio

Grievance No. Karl F Brown

Department Corrections

Grievant 27-23-890831-0026-0103

Union DCSEA AFSOC

Date of Hearing June 6, 1990

Issue(s): 5 day suspension sleeping  
on duty

Appearances:

For the Employer: (Advocate) Sally Miller Robert Houston

For the Union: (Advocate) Don Sargent

AWARD: I sustain the grievance in part and reduce to a 3  
day suspension. Two eyewitnesses testified the grievant was  
asleep. The fact that the grievant had called in at 5:12 AM  
goes to show an offense of short duration. The officer has  
a fine record. The proximity of the officer to danger to  
the institution or the public appears to be minimal  
although always present. Considering the officers  
record and the circumstances a 3 day  
suspension is appropriate.

Issued at RCI  
Chillicothe, Ohio

Craig Allen  
Arbitrator's Signature

ARBITRATION  
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State of Ohio

Grievance No. 27-23-890831-0024-01  
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Department Corrections

Grievant Fred Matthews

Union OCSEA AFSCME

Date of Hearing June 6, 1990

Issue(s): Was 3 day suspension for  
just cause

Appearances:

For the Employer: (Advocate) Sally Miller, Robert Rowton

For the Union: (Advocate) Don Sargent

AWARD:

I uphold the grievance. While profanity is  
improper, the testimony is uncontradicted that it  
is used daily between and among employees.  
The testimony also shows the name calling incident to  
be some 20-25' feet from the inmate. The most  
important fact is that Rule 38 requires the act to  
be done for personal gain or satisfaction.  
There is testimony that there was no personal gain  
and only an inference of satisfaction. An inference is  
not enough. I order full reinstatement of wages  
and benefits including roll call

Issued at RCI  
Chillicothe, O.

Craig Allen  
Arbitrator's Signature

ARBITRATION  
BENCH DECISION AND AWARD

Arbitrator: Craig Allen

State of Ohio

Grievance No. 27-23-870331-0025-01-03

Department Corrections

Grievant RICK MUSTARD

Union DESSA AFSCMC

Date of Hearing June 6, 1998

Issue(s): Was the 5 day suspension for just cause Slapping on Duty

Appearances:

For the Employer: (Advocate) Sally Miller Robert Thornton

For the Union: (Advocate) Don Sargent

AWARD: I deny the grievance. The grievant testified that he had heard the radioed transmissions concerning overtime and had testified they heard the right channel on grievant's radio. Even assuming that the radioed channel had been changed the two supervisors said he was asleep. The uncontradicted testimony is that 5 days is normal at RCF and in a potentially dangerous situation is warranted.

Issued at R.C.F.  
Chillicothe, Ohio

Craig Allen  
Arbitrator's Signature