

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: Anna D. Smith

State of Ohio

Grievance No. 31-04-(1-22-90)06-01-09

Department Transportation

Grievant Mary E. Lohr

Union O. B. S. & A.

Date of Hearing July 18, 1990

Issue(s): Was the grievant, Mary E. Lohr, disciplined for just cause? If not what shall be the remedy?

Appearances:

For the Employer: (Advocate) Joseph E. Jacobs

For the Union: (Advocate) Gerald Burlingame

AWARD: Grievance sustained. Grievant granted one (1) day back pay, record expunged & made whole. Grievant could not have reasonably expected discipline for her political activity since no politically active bargaining unit members had previously been disciplined for this cause. If the Employer wishes to tighten a previously lax enforcement of rules, forewarning must be given to subject employees. This case will serve as forewarning that subsequent political activity as prohibited by ODOT Directive 4-301 is subject to discipline.

Issued at Fairlawn, Ohio

July 18, 1990

Anna D. Smith
Arbitrator's Signature

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: Anna D. Smith

State of Ohio

Grievance No. 31-04-(100489)-414-01-06

Department Transportation

Grievant Thomas B. Lagana

Union O.C.S.E.A.

Date of Hearing July 18, 1990

Issue(s): Was The Grievant, Thomas Lagana, Suspendd for just cause under Article 24 of The Agreement? If not, what shall be The remedy.

Appearances:

For the Employer: (Advocate) Joseph E. Jacobs

For the Union: (Advocate) Tim Miller

AWARD: The grievance is denied in part, sustained in part. The grievant is guilty of Neglect of Duty (minor) and Misuse of State Vehicle. Despite management's alleged role in allowing an atmosphere of intimidation, what the grievant did was wrong & merits some discipline. Given his good work record & cooperation in this matter, a 10-day suspension is too harsh. Discipline is reduced to a one (1) - day suspension.

Issued at Lorain, Ohio

July 18, 1990

Anna D. Smith

Arbitrator's Signature

ARBITRATION
BENCH DECISION AND AWARD

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State of Ohio

Grievance No. 11-03-(011090)-62-0109

Department Bureau of Employment Services Grievant Joseph Hasen

Union OCSEA

Date of Hearing July 18, 1990

Issue(s): Was the grievant, Joseph Hasen, disciplined for just cause? If not, what shall the remedy be?

Appearances:

For the Employer: (Advocate) Victoria Ullmann

For the Union: (Advocate) Gerald Burlingame

AWARD: The grievance is denied in part, sustained in part. Mitigating circumstances of length of good service, lack of intent admission of guilt & no actual harm to employer call for a penalty less harsh, more corrective & progressive. Discipline is reduced to a Written Reprimand.

Issued at Tarboro, Ohio

July 18, 1990

Anna D. Smith

Arbitrator's Signature

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: Anna D Smith

State of Ohio

Grievance No. 34-03-(12-15-88)

Department Bureau of Workers' Compensation Grievant Frank Kinney

Union OCS&A

Date of Hearing July 18, 1990

Issue(s): Did management suspend grievant for 3 days for just cause? If not, what shall the remedy be?

Appearances:

For the Employer: (Advocate) John Thompson

For the Union: (Advocate) Tim Miller

AWARD: Grievance is sustained in part, denied in part. Management had just cause to discipline the grievant given fact of ree violation, & prior counseling & discipline. However, 3-day suspension following written reprimand is too harsh for this violation of incomplete paperwork. Suspension is reduced to one (1) day.

Issued at Fairborn, Ohio

July 18, 1990

Anna D Smith

Arbitrator's Signature