

ARBITRATION
BENCH DECISION AND AWARD

#481

Arbitrator: Craig Allen

34-04-908102-3601-09

State of Ohio

Grievance No. 24

Department Warden's Comp

Grievant Vinyl Johnson

Union OCSEA

Date of Hearing Sept 4, 1996

Issue(s): the 10 day suspension for
just cause? 602 (2a) 602 (2b)

Appearances:

For the Employer: (Advocate) BOB THORNTON

AND NANCY ZAEBSY / BARBARA BLANDT (WIT)

For the Union: (Advocate) John Fisher

Johnson

AWARD:

I uphold the grievance in part and reduce to
a 3 day suspension. While the remark by Mr Brandt
seems more in the nature of a question, the fact
that it was repeated should have told Mr Johnson to do
something. However Mr Brandt testified that Mr Johnson
does not usually refuse to do assigned work. I certainly
agree that Mr Johnson should work now "brave later"
I find no willful disobedience of a direct order. I find
a temporary refusal to carry out an assignment.
If Mr Johnson had a better work record I might
reach a different conclusion but I feel in this
case a 3 day suspension is sufficient

Issued at

OCB

Columbus, Ohio

Craig Allen
Arbitrator's Signature

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: Craig Allen

State of Ohio

Grievance No. 34-04009-28-89J24-01-
09

Department Workers Comp

Grievant Vergel Johnson

Union OCS&A

Date of Hearing Sept 4, 1990

Issue(s): Is the 5 day suspension for
just cause? Using abusive language

Appearances:

For the Employer: (Advocate) ROBERT THORNTON
BEVERLY ROGAN (WITNESS)

For the Union: (Advocate) John Fisher
Johnson
Panel

AWARD:

I deny the grievance. While the testimony is in
great conflict I find no evidence that Mrs. Pagon
had any animosity towards Mr. Johnson.
Even if the remark was an "open end" remark
a reasonable person could only conclude
it was directed at her. I am also persuaded
by the grievant's past history of similar
practices

Issued at O.C.B.
Columbus, Ohio

Craig Allen
Arbitrator's Signature