

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 562 EX

OCB GRIEVANCE NUMBER: 1) 27-05-890524-0021-01-06
2) 27-05-900509-0079-01-06; 3) 27-15-900511-0097-01-03
4) 27-15-900501-0091-01-03; 5) 24-09-900706-0411-01-04

GRIEVANT NAME: 1 & 2) BUCKLER, DOUGLAS; 3) CHAPMAN, WILLIAM
4) RAKE, JAMES; & 5) OCKER, PHILLIP

UNION: OCSEA/AFSCME

DEPARTMENT: 1, 2, 3, & 4) REHAB & CORRECTIONS; 5) MR/DD

ARBITRATOR: FULLMER, JERRY

MANAGEMENT ADVOCATE: 1) LEE, PEG & ANDREWS, JOE;
2) CONNOLLY, DEBBIE & WEIDNER, BETSY; 3) LOMAX, PHIL &
STONE, HASANI; 4) MUSSELMAN, MICK & SWYERS, JIM;
5) GULYASSY, STEVE & FUSCARDO, MIKE

2ND CHAIR: WAGNER, TIM & LIVENGOOD, RACHEL

UNION ADVOCATE: 1, 2 & 5) GOHEEN, BRENDA
3 & 4) VAN METER BAILEY, SHARON

ARBITRATION DATE: FEBRUARY 22, 1991

DECISION DATE: FEBRUARY 22, 1991

DECISION: 1) GRANTED 2) GRANTED 3) MODIFIED 4) DENIED
5) DENIED

CONTRACT SECTIONS 1) 5 DAY SUSPENSION; 2) 10 DAY SUSP.;
AND/OR ISSUES: 3) 1 DAY SUSPENSION; 4) 3 DAY SUSPENSION;
5) 3 DAY SUSPENSION

HOLDING: 1) 2 MONTH GAP IN NOTICE OF PRE-D CONFERENCE, BACK
PAY & EXPUNGEMENT; 2) SAME AS #1 3) 1 DAY REDUCED
TO WRITTEN; 4) UNION PROVIDED NO REBUTTAL
TESTIMONY; 5) TARDINESS OFFENSES MAY BE CUMULATED

ARB COST: \$282.10 (\$56.42 EACH)

ARBITRATION
BENCH DECISION AND AWARD

562 Ex

Arbitrator: Jerry A. Fulmer

State of Ohio

Grievance No. 27-05-(05-24-89)

Department Rehab + Corr.

Grievant -021-01-06

Union OSCEA, Loc. 11

Doug Buckler
Date of Hearing 2/22/91 9:20

Issue(s): Did Employer meet its burden of
proof regarding "just cause" for disciplining
The grievant for 5 days for a violation
of Employee Conduct Rules.

Appearances:

For the Employer: (Advocate) Margaret S Lee (1)
Joseph L. Andrews (2)

For the Union: (Advocate) Breana Goheen (1)
Derrin Williams (2)

AWARD: GRIEVANCE SUSTAINED. There was
a gap between the 1/19/89 incident and the
3/20/89 Notice of Pre Disciplinary Conference.
The Union alleges this two month gap violates
Article 24.02, last paragraph. The gap does seem to
not be "initiation as soon as reasonably possible"
absent evidence of ^{VALID} reasons for the delay.
There was no such evidence in the
Record. The Arbitration "must consider"
the Timeliness.

Grievant to receive 5 days pay +
expungement.

Issued at Columbus, OH
2/22/91
Date

Jerry A. Fulmer
Arbitrator's Signature

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: Jerry A. Fullmer

State of Ohio

Grievance No. 27-05(05-09-90)079-

Department Rehab & Corr

Grievant Doug Buckler⁰¹⁻⁰⁶

Union OSCEA, Local 11

Date of Hearing 2/22/91 11:00 am

Issue(s): Was the discipline for just cause?

Appearances:

For the Employer: (Advocate) Deborah A. Connolly (1)
Betsy Weisman (2)

For the Union: (Advocate) Bruce Goheen (1)
Dennis Williams (2)

AWARD: Grievance sustained. Same reasons
as earlier case.

Grant to receive 10 days pay +
expungent.

Issued at Columbus, OH
Feb. 22/91
Date

Jerry A. Fullmer
Arbitrator's Signature

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Arbitrator:

JERRY A. FULLMER

State of Ohio

Grievance No. 27-15(90-05-11)

Department Rehab & Corr.

Grievant

0097-01-08

Union USCEA Loc. 11

Date of Hearing

2/22/91

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

Appearances:

For the Employer:

(Advocate)

Phillip A. Lunax
A. Hasan, Stone II

For the Union:

(Advocate)

A. Sharon Van Meter Bailey
Jim Pannini

AWARD:

Grievance sustained in part. One day
suspension modified to written reprimand.

Clay's testimony accepted over Grievant since Clay
is unit employee with no shown reason to falsify
testimony.

One day suspension seems unreasonable
in light of Barchfield's being much more
directly involved in several aspects of Fullmer's
offense.

Grievant to receive one day pay.

Issued at

Columbus OH

2/22/91

Date

Jerry A. Fullmer
Arbitrator's Signature

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: Jersey A. Fullmer

State of Ohio

Grievance No. 27-15 (90-05-01)

Department Rehab/Corr.

Grievant 0091-01-03

Union OSCEA Loc 11

JAMES RAKIE
Date of Hearing 2/22/91

Issue(s): Was The Grievant's Three day
suspension a violation of the agreement?

Appearances:

For the Employer: (Advocate) Mich Musselman (1)
Jim Smyers (2)

For the Union: (Advocate) S. VAN METEN BAILEY (1)
J. P. GARRIS (2)

AWARD: Grievance denied.

On basis of evidence heard, it is concluded
that Grievant was in a position of repose
for approximately 15 minutes. Arbitration is
unpersuaded that failure to prove original
Rule 9 charge of sleeping & absence in
Rule 6(c) violates Grievant's contractual rights.

Issued at COLUMBUS, OH

2/22/91
Date

Jersey A. Fullmer
Arbitrator's Signature

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ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: JERRY A FULLMER

State of Ohio

Grievance No. 24-09-(07-06-90)

Department Rehab & Corr.

Grievant Phillip Ocker

Union OSCEA Loc 11

Date of Hearing 2/22/91

Issue(s): Is The 3 Day suspension of Mr. Ocker for just cause? If not what shall be the remedy?

Appearances:

For the Employer: (Advocate) S. GULYASSY (1)
M. EVSCARD (2)

For the Union: (Advocate) B. Goheen

AWARD: Grievance denied. Offense established by Turner Testimony. No reason to dis-credit.

Principal issue is whether notification & cumulative offenses may be cumulated on offense grade. Holding is that they may since: 1) They are set out in same policy (Jt. 5) and since they have previously been considered as related (e.g. Jt. 4 of 12/18/77).

Issued at Columbus OH
2/22/91
Date

J. A. Fullmer
Arbitrator's Signature