

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 645 EX

OCB GRIEVANCE NUMBER: 1) 31-13-901105-0053-01-09
2) 31-13-900824-0036-01-14
3) 30-10-900403-0176-01-14

GRIEVANT NAME: 1) BOND, JOHN 2) BOYER, E. CECELIA
3) GONZALEZ MICKEY

UNION: OCSEA/AFSCME

DEPARTMENT: 1) & 2) TRANSPORTATION 3) TAXATION

ARBITRATOR: ALLEN, CRAIG

MANAGEMENT ADVOCATE: 1) SELLERS, GIL 2) GRUNDY, SUE 3) ULLMAN,
VICKY

2ND CHAIR: DUCO, MICHAEL

UNION ADVOCATE: 1) BUMGARDNER, HAROLD 2) GERSPER, JOHN
3) BRADY, DANE

ARBITRATION DATE: JULY 30, 1991

DECISION DATE: JULY 30, 1991

DECISION: 1) MODIFIED 2) MODIFIED 3) DENIED

CONTRACT SECTIONS

AND/OR ISSUES: 1) 15 DAY SUSPENSION 2) 10 DAY SUSPENSION
3) 3 DAY SUSPENSION

HOLDING: 1) REDUCED TO A 5 DAY SINCE HE HAD A DOCTOR'S
STATEMENT SUPPORTING HIS CLAIMED BACK UNJURY; 2) PENALTY TOO
SEVERE, REDUCE TO A FIVE DAY; 3) GRIEVANT GAVE NO TESTIMONY THAT
SHOWS HIS SUPERVISOR'S INSTRUCTIONS WERE "VAGUE".

COST: \$250.00

BENCH DECISION AND AWARD

Arbitrator: Craig A Allen

State of Ohio

Grievance No. 31-13611-05-90J SB-01-09

Department ODOT

Grievant John Bond

Union OCSEA

Date of Hearing July 30, 1991

Issue(s): Was the 15 day suspension for just cause?

Appearances:

For the Employer: (Advocate) Earl Sellers

For the Union: (Advocate) Harold Bumpgardner

AWARD: I uphold the grievance in part and reduce the penalty to a 5 day suspension. Whether the guy had sick leave or not he has a Dr's statement Ex J10 that he was unable to work. Based upon his track record I am not impressed with his failure to report on time but the Dr's statement is from an Orthopedic Surgeon which lends support to his claim of back trouble.

Issued at DCB
Columbus, Ohio

Craig A Allen
Arbitrator's Signature

Arbitrator: Craig Allen

State of Ohio

Grievance No. 31-13-700PJ4-0036-01-19

Department ODOT

Grievant E Cecelia Boyer

Union OCSEA

Date of Hearing July 30, 1991

Issue(s): Was the 10 day suspension for just cause?

Appearances:

For the Employer: (Advocate) Susan Grundey

For the Union: (Advocate) John Gerspser

AWARD: I uphold the grievance in part and reduce to a five day suspension. The testimony is clear that requests for changes in lunch hours must be made ahead of time. It is also clear that But did not do this. I do find that for this offense the penalty is not progressive but is too severe. But has had prior offenses and so a five day suspension is more appropriate. Whether or not But and her supervisor get along she did not follow policy and disobeyed a direct lawful order

Issued at DCB
Columbus, Ohio

Craig Allen
Arbitrator's Signature

Arbitrator: Craig A Allen

State of Ohio

Grievance No. 30-10-09-3-PDJ-176-01-14

Department Dept of Justice

Grievant Mickey Gonzalez

Union OCLEA

Date of Hearing July 30, 1991

Issue(s): Was the three day suspension for just cause?

Appearances:

For the Employer: (Advocate) Victoria Ullmann

For the Union: (Advocate) Doree Bradley

AWARD: I deny the grievance. I do not find that the grievance filed over organizing unit work is sufficiently personal to cause a problem with supervision. The gut testified that Mr. Schuler was a supervisor when he stood down but he did not testify that he filed a grievance over that. Gut has no testimony to show Mr. Schuler gives vague instructions. Gut is not a long term employee and I find the discipline to be reasonable.

Issued at OCB
Columbus, Ohio

Craig A Allen
Arbitrator's Signature