

## ARBITRATION BENCH DECISION AND AWARD

Arbitrator: Goldberg

State of Ohio

Grievance No. 15-62(930709)33-01-09Department DDPS/BMVGrievant Felicia KingUnion AFSCMEDate of Hearing 12/14/93

Issue(s): Whether there was just cause for a three day suspension for  
violation of BMV Work Rules Nos. 1(a), 3 and 33.

## Appearances:

For the Employer: (Advocate) Ed FlynnFor the Union: (Advocate) Bill Anthony

**AWARD:** The grievance is denied. The Employer established that the Grievant  
violated the subject work rules regarding unexcused absences, a failure to  
produce a doctor's statement after an absence, and occasions when leave time  
was denied, but the Grievant nevertheless took her leaves without pay. The  
violations involved were progressive in nature based upon the Grievant's poor  
attendance record. The penalty was not excessive and was within the  
discretion of the Employer. The penalty of a three day suspension was  
reasonable under the circumstances.

Issued at

Date

William B. Goldberg  
Arbitrator's Signature

ARBITRATION BENCH DECISION AND AWARD

Arbitrator: Goldberg

State of Ohio

Grievance No. 15-02(930820)0039-01-09

Department ODPS/BMV

Grievant Michele A. Owens

Union AFSCME

Date of Hearing 12/14/93

Issue(s): Whether there was just cause for the Grievant's one day suspension for allegedly violating BMV Work Rules Nos. 6(c), 30 and 33.

Appearances:

For the Employer: (Advocate) Ed Flynn

For the Union: (Advocate) Bill Anthony

**AWARD:** The grievance is sustained in part and denied in part. The Grievant's conduct in her telephone communications with two members of the public was inappropriate. However, the penalty of the one day suspension was not sufficiently related to the written reprimand received by the Grievant on October 9, 1992 so as to be progressive in nature. The 1992 incident involved a dispute between the Grievant and her supervisor; the present incident involved the Grievant's relations with the public through her job performance. The Grievant's one day suspension, therefore, is hereby reduced to a written reprimand and the Grievant shall receive all backpay and benefits which are due to her as a result of this Award.

Issued at \_\_\_\_\_

Date \_\_\_\_\_

Morton B. Goldberg  
Arbitrator's Signature