

ARBITRATION SUMMARY AND AWARD LOG
OCB AWARD NUMBER: 967 Expedited

OCB GRIEVANT NUMBER: 1.) 27-11-921208-0191-01-09
2.) 27-11-930917-0222-01-03
3.) 27-11-931216-0234-01-03
4.) 27-11-931216-0236-01-05
5.) 27-26-931129-0442-01-03

GRIEVANT NAME: 1.) Bernadine Wallace
2.) Brian Conlee
3.) Willie Bowen
4.) L.C. Taylor
5.) Donald Garrison

UNION: OCSEA/AFSCME

DEPARTMENT: Rehabilitation and Correction

ARBITRATOR: Craig Allen

MANAGEMENT ADVOCATE: 1. - 3.) Renee Coil
4. & 5.) Richard Jesko

2ND CHAIR: 1. - 3.) Cindy Sovell
4. & 5.) Renee Coil

UNION ADVOCATE: Pat Mayer

ARBITRATION DATE: May 10, 1994

DECISION DATE: May 10, 1994

DECISION: 1.) Denied 2.) Denied 3.) Denied
4.) Denied 5.) Modified

CONTRACT SECTIONS AND/OR ISSUES: 1.) Five day suspension for using abusive language towards another employee.
2.) One day suspension for tardiness.
3.) One day suspension for failure to clock in.
4.) One day suspension for tardiness.
5.) One day suspension for absenteeism.

HOLDING: 1.) The Arbitrator felt that abusive and offensive language towards another employee cannot be tolerated. Discipline was for just cause.
2.) Based upon the Grievant's prior record, the Arbitrator felt that the discipline was commensurate and progressive.
3.) The Arbitrator felt that the Grievant had been employed at the institution long enough that he should have know the proper procedure for using the time clock. Discipline was for just cause.
4.) The Arbitrator felt that the Grievant's testimony lacked credibility. The discipline was warranted and for just cause.
5.) The Arbitrator felt that because the Grievant was a "good" employee with a good record, that a suspension was too severe. The Arbitrator reduced the discipline to a written reprimand.

BENCH DECISION AND AWARD

Arbitrator Craig Allen

State of Ohio

Grievance No. 2211-921208-0141-01-

Department Corrections

Grievant Bernadine Wallace

Union CCSEA

Date of Hearing _____

Issue(s): Was the 5 day suspension for
just cause?

Appearances:

For the Employer: (Advocate) Renee Carl

For the Union: (Advocate) Patricia Amey

AWARD: I deny the grievance. Eric Down Hill
testified but told Dorothy Porter to "f--- myself". No work
place can tolerate abusive language toward its
employees. Racial, religious and ethnic insults are
highly offensive. Employees must learn to deal
with other employees without using abusive language

Issued at Lebanon CI

Craig Allen
Arbitrator's Signature

May 18, 1994
Date

Arbitrator Craig Allen

State of Ohio

Grievance No. 27-11-930912 0222-0

Department Corrections

Grievant Brian Conlee

Union OCS & IF

Date of Hearing May 10, 1994

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

Appearances:

For the Employer: (Advocate)

RENÉE COIL - OCB
Cynthia Sowell - OCB

For the Union: (Advocate)

Pat. J. A. Moore - Shift Rep.
BRIAN CONLEE - Grievant

AWARD: I deny the grievance. In the approximately 18
months that has been here he has had several
reprimands and 1 suspension for tardiness,
failure to properly call in, etc. I think the charge
was correct and the discipline progressive.

Issued at

Lebanon OH

May 10, 1994
Date

Craig Allen
Arbitrator's Signature

Arbitrator Craig Allen

State of Ohio

Grievance No. 27-11-93, 216-0234-01-0

Department Corrections

Grievant Willie Bowen

Union UCSEA

Date of Hearing May 10, 1994

Issue(s): Was the one day suspension for
just Cause?

Appearances:

For the Employer: (Advocate) Renee Gail
Cynthia Sovell - OCB

For the Union: (Advocate) Patrick A. Mays Staff Rep
Staff Hand Chief St. Hand
Willie Bowen - Grievant

AWARD: I deny the grievance. The grievant
has had ample opportunity to learn to use the
time clock. Time clock records are not only
for payroll but Workers Compensation, alibi &
discrimination cases. The discipline is fair
and progressive.

Issued at Lebanon, OH

Craig Allen
Arbitrator's Signature

May 10, 1994
Date

DECISION AND AWARD
Arbitrator Craig Allen

State of Ohio

Grievance No. 27-11931216-0236-01-1

Department Corrections

Grievant L.C. Taylor

Union CCSEA

Date of Hearing May 10, 1994

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

Appearances:

For the Employer: (Advocate)

Richard A. Jesko
KADIE COIL

For the Union: (Advocate)

Patrick A. Mayra - Staff

Brett Land - Chief Steward L.C. Taylor - Grievant

AWARD: I deny the grievance. The discipline
is certainly progressive. The employer
offered but a chance to get documentation
from the power Co but grievant did not

Issued at

Lebanon OH

May 10, 1994
Date

Craig Allen
Arbitrator's Signature

Did grievant say to you he was sick?

Is it an hour or 15 min
before he left.

~~no~~

Conlee,

Have you left work early before?

If yes, how was that accomplished?

Does Renee want to ask me about how
discipline is dispensed

BENCH DECISION AND AWARD

Arbitrator Craig Allen

State of Ohio

Grievance No. 27-26-93129-0440
0103

Department Corrections

Grievant Donald Garrison

Union OCSEA

Date of Hearing May 10, 1994

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

Appearances:

For the Employer: (Advocate)

Richard B. Jesko
Renée L. Coit

For the Union: (Advocate)

Patrick A. Mayer Staff
Ronald X. Sift CHIEF STEWARD

AWARD: I reduce to a written reprimand. I find
Gt merit highly believable and Dot is a good
officer. Management was well within its rights to
bring these charges but there are some mitigating
factors. Dot should follow Gt merit's
advice and see EAP assistance

Issued at Lebanon OH

Craig Allen
Arbitrator's Signature

May 10, 1994
Date

