

**ARBITRATION SUMMARY AND AWARD LOG**  
**OCB AWARD NUMBER: 969 Expedited**

**OCB GRIEVANT NUMBER:** 27-25-930519-0536-01-03

**GRIEVANT NAME:** David Humphreys

**UNION:** OCSEA/AFSCME

**DEPARTMENT:** Rehabilitation and Correction

**ARBITRATOR:** Craig Allen

**MANAGEMENT ADVOCATE:** Roger Coe

**2ND CHAIR:** Colleen Wise

**UNION ADVOCATE:** Don Sargent

**ARBITRATION DATE:** May 12, 1994

**DECISION DATE:** May 12, 1994

**DECISION:** Modified

**CONTRACT SECTIONS  
AND/OR ISSUES:** Ten day suspension.

**HOLDING:** The Arbitrator reduced the suspension to five days because he felt that while the Grievant's behavior warranted discipline, the penalty imposed was too severe. The Arbitrator took into consideration the confusion concerning post orders and the Grievant's prior record when issuing the decision.

**ARB COST:** \$

BENCH DECISION AND AWARD

Arbitrator Craig Allen

State of Ohio

Grievance No. 27-25-9305190336  
0181

Department Corrections

Grievant David Humphreys

Union OCSEA

Date of Hearing May 12, 1994

Issue(s): Was the grievant disciplined  
for just cause?

Appearances:

For the Employer: (Advocate) Roger Cox

Colleen Wise

For the Union: (Advocate) Winced Sargent

**AWARD:** Uphold the grievance in part and  
reduce to a five day suspension. I was  
surprised by officer Muller's testimony that  
Post orders were not available and that no  
one had signed for them. Only important  
orders verbally from officer to officer

Issued at SECF

Craig Allen  
Arbitrator's Signature

May 12, 1994  
Date

• Can cause some confusion. But is an 8 year employee with no relevant prior discipline so his record shows he generally performs his duties. I was not impressed with the inmate clerk dispensing the log sheet as But had the responsibility to accurately prepare an official record. To But's credit he admits his wrongdoing.

But testified he went to the gym in response to a report of possible trouble. While this does not totally excuse all his conduct - neither did he go to the locker room, home etc. I found that interesting in light of the lack of Post Orders available in writing.

I agree that this is serious but considering the evidence before me and the But's record I find a 5 day suspension to be sufficient. Further the Rule 40 charge is dismissed.

Chargeman