

**ARBITRATION SUMMARY AND AWARD LOG**  
**OCB AWARD NUMBER: 977 Expedited**

**OCB GRIEVANT NUMBER:** 1.) 27-07-930412-0250-01-05  
2.) 27-07-930723-0262-01-06  
3.) 27-07-930805-0263-01-05  
4.) 27-07-931110-0277-01-03  
5.) 27-07-931207-0279-01-03  
6.) 27-15-930810-0284-01-09

**GRIEVANT NAME:** 1.) George McCaulley  
2.) Marvin Collins  
3.) George McCaulley  
4.) Jeff Baker  
5.) Ron Bolds  
6.) Ron Swartz

**UNION:** OCSEA/AFSCME

**DEPARTMENT:** Rehabilitation and Correction

**ARBITRATOR:** Craig Allen

**MANAGEMENT ADVOCATE:** Phil Lomax

**2ND CHAIR:** Colleen Wise

**UNION ADVOCATE:** Pat Mayer

**ARBITRATION DATE:** June 9, 1994

**DECISION DATE:** June 9, 1994

**DECISION:** 1.) Modified  
2.) Granted  
3.) Granted  
4.) Modified  
5.) Denied  
6.) Denied

**CONTRACT SECTIONS  
AND/OR ISSUES:** 1.) One day suspension  
2.) Three day suspension  
3.) Three day suspension  
4.) Five day suspension  
5.) Five day suspension  
6.) One day suspension

**HOLDING:** 1.) The Arbitrator reduced the suspension to a written reprimand.  
2.) The Arbitrator found the Employer did not have just cause for the discipline.  
3.) The Arbitrator felt that the Employer lacked evidence to substantiate just cause.  
4.) The Arbitrator felt that the Grievant had committed an offense that warranted discipline but the five day suspension was not progressive. The Arbitrator reduced the suspension to a three day.  
5.) The Arbitrator felt that the Employer had just cause for discipline.  
6.) The Arbitrator felt that although the offense was minor it warranted discipline and based upon the Grievant's prior record the suspension was progressive.

BENCH DECISION AND AWARD

Arbitrator Craig Allen

State of Ohio

Grievance No. 27-07-930412-0250-01-05

Department Corrections

Grievant G McCalley

Union OCSA

Date of Hearing June 9, 1994

Issue(s): Was the 1 day suspension for just  
Cause?

Appearances:

For the Employer: (Advocate) Phillip A Roman

For the Union: (Advocate) Pat Mayer

**AWARD:** I uphold the grievance in part and reduce  
to a written reprimand. I find no direct  
evidence of a Rule 9 violation and it is  
dismissed. I do find evidence of Rule I Security  
violation but no direct evidence loss  
occurred as Duts fault

Issued at Dayton CI

Craig Allen  
Arbitrator's Signature

June 9, 1994  
Date

BENCH DECISION AND AWARD

Arbitrator Craig Allen

State of Ohio

Grievance No. 27-07-930723-0260-0126

Department Corrections

Grievant M. Collins

Union OCSEA

Date of Hearing June 9, 1994

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

Appearances:

For the Employer: (Advocate) Phillip Lomax

For the Union: (Advocate) Pat Mayer

**AWARD:** I uphold the grievance due  
to lack of evidence

Issued at Dayton OH  
June 9, 1994  
Date

Craig Allen  
Arbitrator's Signature

# BENCH DECISION AND AWARD

Arbitrator Craig Allen

State of Ohio

Grievance No. 27-07-920825-0263-01-05

Department Corrections

Grievant E. McCalley

Union OCSA

Date of Hearing June 9, 1994

Issue(s): Was the 3 day suspension for  
just cause?

## Appearances:

For the Employer: (Advocate) Phillip Lomar

For the Union: (Advocate) Pat Moyer

**AWARD:** I uphold the grievance. The only  
evidence before is totally conflicting  
testimony. There is no corroborating evidence of  
either party's story. If the Scales of Justice  
remain in balance the Scales will favor  
for lack of evidence

Issued at Dayton CI

Craig Allen  
Arbitrator's Signature

June 9, 1994  
Date

BENCH DECISION AND AWARD

Arbitrator Craig Allen

State of Ohio

Grievance No. 27-0793110-0277-01-03

Department Corrections

Grievant B. J. Baker

Union OCSEA

Date of Hearing June 9, 1994

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

Appearances:

For the Employer: (Advocate) Phillip Lomax

For the Union: (Advocate) Pat Meyer

**AWARD:** I uphold the grievance in part and reduce  
to a 3 day suspension. But has been at DCI long  
enough to follow Post Orders and to know what  
a Shift Commander is. However I find 5  
days is not progressive

Issued at Dayton CF

June 9, 1994  
Date

Craig Allen  
Arbitrator's Signature

BENCH DECISION AND AWARD

Arbitrator Craig Allen

State of Ohio

Grievance No. 2707-931207-0277-01-08

Department Corrections

Grievant R Bolds

Union OCSEA

Date of Hearing June 9, 1994

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

Appearances:

For the Employer: (Advocate) Phillip Lomax

For the Union: (Advocate) Pat Mayer

AWARD: I uphold the 5 day suspension  
for just cause?

Issued at Dayton OH

June 9, 1994  
Date

Arbitrator's Signature

BENCH DECISION AND AWARD

Arbitrator Craig Allen

State of Ohio

Grievance No. 27-1568-10-93] 284-01-09

Department Corrections

Grievant R. Swartz

Union OCSEA

Date of Hearing June 9, 1994

Issue(s): Was the 1 day suspension for  
just cause?

Appearances:

For the Employer: (Advocate) Phillip Lomax

For the Union: (Advocate) Pat Mayer

**AWARD:** I deny the grievance. It seems clear  
that the order could not have been misconstrued  
The fact that a small mistake was made doesn't  
negate the fact that Sgt. DeWitt follows  
orders. I find the discipline to be reasonable  
in light of previous discipline

Issued at Dayton CI

Craig Allen  
Arbitrator's Signature

June 9, 1994  
Date

GRIEVANCE WITHDRAWAL FORM  
(OCSEA)

I, Terry Shaw, hereby authorize OCSEA,

AFSCME Local 11, AFL/CIO to withdraw my grievance, OCB number

27-15(930804)287 - 01-03 from arbitration.

Signed:

Frank B. [Signature]  
Grievant or Union Representative

6-6-94  
Date

Paul A. [Signature]  
Witness Staff Rep

6/6/94  
Date