

**ARBITRATION SUMMARY AND AWARD LOG**  
**OCB AWARD NUMBER: 987 Expedited**

**OCB GRIEVANT NUMBER:** 1) 27-20-931014-1924-01-03  
2) 27-20-931103-1941-01-03  
3) 27-20-940322-2082-01-03  
4) 27-20-940315-2066-01-03  
5) 27-27-940228-0065-01-03

**GRIEVANT NAME:** 1) Tawn Smith  
2) Tawn Smith  
3) Tawn Smith  
4) Ralph Garrett  
5) Terrence Coleman

**UNION:** OCSEA/AFSCME

**DEPARTMENT:** Rehabilitation and Correction

**ARBITRATOR:** Rob Stein

**MANAGEMENT ADVOCATE:** 1 - 3) Edie Bargar  
4 & 5) Colleen Wise

**2ND CHAIR:** 1 - 3) Colleen Wise  
4 & 5) Edie Bargar

**UNION ADVOCATE:** 1 - 4) Bob Goheen  
5) Jim Pagani

**ARBITRATION DATE:** July 11, 1994

**DECISION DATE:** July 11, 1994

**DECISION:** 1) Denied  
2) Denied  
3) Denied  
4) Denied  
5) Granted

**CONTRACT SECTIONS  
AND/OR ISSUES:** 1) 3 Day suspension  
2) 5 Day suspension  
3) 10 Day suspension  
4) 1 Day suspension  
5) 3 Day suspension

**HOLDING:** 1) The Arbitrator felt that the State had just cause for discipline. The State has the right to expect an employee to come to work.  
2) The Arbitrator felt that "double jeopardy" did not exist when the State disciplined the Grievant for excessive absenteeism.  
3) The Arbitrator felt that the discipline imposed was for corrective purposes given the pattern of excessive absenteeism by the Grievant.  
4) The Arbitrator felt that the discipline was progressive and commensurate.  
5) The State did not have just cause for discipline.

BENCH DECISION AND AWARD

Arbitrator Rob Stein

State of Ohio

Grievance No. 27-20-931014-1924-01-

Department DR & C

Grievant 03-S,  
Tawn Smith

Union OCSEA

Date of Hearing 7/11/94

Issue(s): 3 day suspension

Appearances:

For the Employer: (Advocate) Edie Barga  
Colleen Wise

For the Union: (Advocate) Bob Goheen  
Jim Pagini

AWARD: Grievance denied! - The State acted properly when it  
suspended the grievant for 3 days. The state has a right to expect  
an employee to come to work if released to do so. Doctor excused  
absences are still absences under the provisions of Article 29.04  
D8 of the Agreement.

Issued at Lorain Correctional Inst

[Signature]

Arbitrator's Signature

7/11/94

Date

BENCH DECISION AND AWARD

Arbitrator Rob Stein

State of Ohio

Grievance No. 27-20-931103-1941-  
01-03-S

Department DR # C

Grievant Tawn Smith

Union OCSEA

Date of Hearing 7/11/94

Issue(s): 5 day suspension

Appearances:

For the Employer: (Advocate) Edie Baryan

Collan Wise

For the Union: (Advocate) Bob Gohren

Jim Pagini

AWARD: Grievance denied! The state acted properly when it  
suspended the Grievant for 5 days. There was no "double  
jeopardy" involved given the timing of the grievant's excessive  
absenteeism. Under Article 29.04 II DB Excessive  
Absenteeism, a doctor's excused absence is still an absence.  
It does not have any special or exempt status under 29.04  
II DB.

Issued at Worain Corrections Inst Rob Stein

Arbitrator's Signature

7/11/94  
Date

BENCH DECISION AND AWARD

Arbitrator Rob Stein

State of Ohio

Grievance No. 27-20-940322-2082-01  
-03-5

Department DRFC

Grievant Tawn Smith

Union OCSEA

Date of Hearing 7/11/94

Issue(s): 10 day suspension

Appearances:

For the Employer: (Advocate) Edie Bayan  
Colleen Wise

For the Union: (Advocate) Bob Goheen  
Jim Pagini

AWARD: Grievance denied! The state acted properly  
when it issued a ten (10) day suspension. The Grievant  
continued on a pattern of excessive absenteeism as defined  
in Article 29.04 II DB of the Agreement. Hopefully  
the point that a doctor's excused absence is still  
an absence under Article 29.04 II DB is now understood.

Issued at Lorain Correctional Inst [Signature]  
Arbitrator's Signature

7/11/94  
Date

BENCH DECISION AND AWARD

Arbitrator Rob Stein

State of Ohio

Grievance No. 27-20-94-03-15-2066  
01-03

Department DRIC

Grievant Ralph Garrett

Union OCSEA

Date of Hearing 7/11/94

Issue(s): 1 day suspension

Appearances:

For the Employer: (Advocate) Collen Wise

Edie Barga

For the Union: (Advocate) ~~Bob G~~ Bob G

Jim Pasini

AWARD: Grievance denied! The state of Ohio followed proper corrective action steps (including pattern abuse notification) to justify its actions. In addition, the Grievant's 3 prior written warnings for the same offense clearly established the need for progressive corrective action on the part of the Employee.

Issued at LOWAIN Correctional Inst. Robert A. Stein

Arbitrator's Signature

7/11/94  
Date

BENCH DECISION AND AWARD

Arbitrator

Rob Stein

State of Ohio

Grievance No. 27-27 940228-0065-  
01-03

Department DR & C

Grievant Terrence Coleman

Union OCSEA

Date of Hearing 7-11-94

Issue(s): 3 day suspension

Appearances:

For the Employer: (Advocate) Colleen Wise

Edie Bayou

For the Union: (Advocate) Jim Pagan

AWARD:

Grievance Sustained! The  
Grievant shall receive 3 days back pay and  
the corrective action shall be removed from  
his record.

Issued at

Horain Correctional Inst.

7/11/94

Date

Arbitrator's Signature

Rob Stein