

**ARBITRATION SUMMARY AND AWARD LOG**  
**OCB AWARD NUMBER: 999**

**OCB GRIEVANT NUMBER:** 1.) 27-11-940302-0246-01-03  
2.) 27-15-931201-0303-01-03

**GRIEVANT NAME:** 1.) Terry Land  
2.) Bret Harley

**UNION:** OCSEA/AFSCME

**DEPARTMENT:** Rehabilitation and Correction

**ARBITRATOR:** David Pincus

**MANAGEMENT ADVOCATE:** Richard Jesko

**2ND CHAIR:** Lou Kitchen

**UNION ADVOCATE:** Pat Mayer

**ARBITRATION DATE:** September 2, 1994

**DECISION DATE:** September 2, 1994

**DECISION:** 1.) Denied  
2.) Modified

**CONTRACT SECTIONS AND/OR ISSUES:** 1.) One day suspension  
2.) Five day suspension

**HOLDING:** 1.) The Arbitrator felt the suspension was progressive and corrective based upon the Grievants previous record.

2.) The Arbitrator felt the Employer had just cause for discipline but the suspension imposed was too severe. The suspension was reduced to four days.

**ARB COST:** \$

BENCH DECISION AND AWARD

Arbitrator David M. Pincus

State of Ohio

Grievance No. 27-15-(12-1/93)-303-01-03

Department Public Buildings Construction

Grievant Bret Hoxley

Union OCSEA

Date of Hearing 9/2/94

Issue(s): Was the Grievant suspended for  
just cause, if not, what should  
the remedy be?

Appearances:

For the Employer: (Advocate) R. Tesko

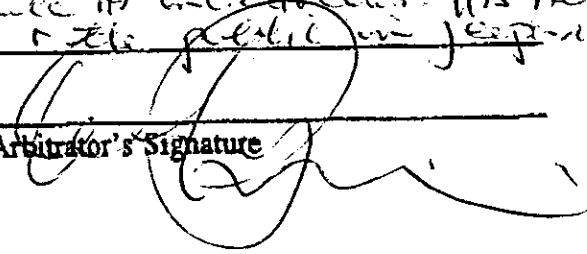
For the Union: (Advocate) Pet Meyer

**AWARD:** The Employer had just cause to discipline the  
Grievant but in this instance the five (5) day suspension was  
severely excessive based on the Employer's reliance on an  
incomplete and active disciplinary history. As such, the five (5) day  
suspension shall be reduced to a four (4) day suspension. The  
Grievant shall receive two (2) day back pay less appropriate  
deductions. The modified penalty should not be viewed as a finding by  
this Arbitrator that the Grievant was not at fault. I view  
his testimony and supporting evidence as credible. His actions  
placed himself, his coworkers & the public in jeopardy.

Issued at Metallum Court Inn

9/2/94  
Date

Arbitrator's Signature



BENCH DECISION AND AWARD

Arbitrator David M. Pincus

State of Ohio

Grievance No. 27-11-(3/2/94)-246-01-03

Department Rehabilitative  
Corrections

Grievant Terry Lamb

Union CCSEA

Date of Hearing September 2, 1994

Issue(s): Did the employer have just cause to  
suspend the Grievant, if not, what  
shall the remedy be?

Appearances:

For the Employer: (Advocate) R. Tesko

For the Union: (Advocate) PAT MAYER

**AWARD:**

The grievance is denied. The employer  
had just cause to suspend the Grievant.  
The employer did not violate Section  
304 in its application of the mandatory  
suspension procedure. The attempt to substantiate  
the refusal based on mitigation was found to be unpersuasive.

Issued at Amelia - CORR. TOS

[Signature]  
Arbitrator's Signature

Date 9/2/94

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And the Grievant's similar violation  
within a week previous period was  
viewed as an extenuating circumstance  
justifying suspension.