

ARBITRATION SUMMARY AND AWARD LOG
OCB AWARD NUMBER: 1042

OCB GRIEVANT NUMBER: 31-13-941003-0061-01-06

GRIEVANT NAME: Bryon Buckley

UNION: OCSEA

DEPARTMENT: Transportation

ARBITRATOR: Craig Allen

MANAGEMENT ADVOCATE: Georgia Brokaw

2ND CHAIR:

UNION ADVOCATE: John Gersper

ARBITRATION DATE: April 21, 1995

DECISION DATE: April 21, 1995

DECISION: Modified

CONTRACT SECTIONS
AND/OR ISSUES: Grievant was given a 10 day suspension for
cashing his paycheck early after signing
agreement not to.

HOLDING: The Arbitrator found the 10 day suspension not
commensurate with the offense and reduced to a 2
day suspension.

STATE'S ARB COST:

#1042

BENCH DECISION AND AWARDARBITRATOR: *Craig Allen*HEARING DATE: *April 21, 1995*GRIEVANT: *Byron J Buckley*GRIEVANCE #: *31-13-110-03-94-6201* ⁰⁶DEPARTMENT: *DDOT*UNION: *OCEA*MANAGEMENT ADVOCATE: *Monter J. Parry (Rogers)*UNION ADVOCATE: *John Bersper***ISSUE***Was the 10 day suspension for
just cause?***AWARD**

I uphold the grievance in part and reduce to a 2 day suspension. But is not guilty of falsification. There is no evidence that But was told of the hazards of cooking chert early. He did sign document not to cook chert early and while he did believe in "next business day" he did still break his agreement not too. I find the But testimony on his office being closed believable and supported by Don Mandelhall's testimony. But

ISSUED AT:
DATE: *OCS*ARBITRATOR'S
SIGNATURE: *Craig Allen*

was a regular walk-in. But had no realistic way to deal with Worker's Comp requirement of approved Dr in the short run. I think But knows better than to schedule personal business at the job site. While others may have returned to site while on sick or disability leave there is no testimony that they transacted personal business.

I find the 10 day suspension not commensurate with the offense and reduce to a 2 day suspension.