

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 1079

OCB GRIEVANT NUMBER: 1. 27-10-940916-0207-01-03
 2. 27-23-950308-0347-01-03
 3. 27-25-941228-0815-01-03
 4. 27-25-950324-0857-01-03

GRIEVANT NAME: 1. William Johnson
 2. Rodney Anderson
 3. Jerry Evans
 4. James Stanley

UNION: OCSEA/AFSCME

DEPARTMENT: Rehabilitation and Correction

ARBITRATOR: Craig Allen

MANAGEMENT ADVOCATE: Jim Spain

2ND CHAIR: Colleen Wise

UNION ADVOCATE: 1. Jamie Parsons
 2-4. Don Sargent

ARBITRATION DATE: September 22, 1995

DECISION DATE: September 22, 1995

DECISION: 1. Denied
 2. Granted
 3. Denied
 4. Modified

CONTRACT SECTIONS
AND/OR ISSUES: 1. ~~Two day suspension~~
 2. Two day suspension
 3. Seven day suspension
 4. Seven day suspension

HOLDING: 1. The Arbitrator felt that given the employees time of
 service, he should have known the importance of
 inmate counts.
 2. The Arbitrator could not find nexus between the
 Grievant's off duty behavior and his job performance.
 3. Given the Grievant's prior record, the Arbitrator found
 the discipline progressive.
 4. The Arbitrator reduced the suspension to 3 days.

ARB COST: \$

BENCH DECISION AND AWARD

ARBITRATOR: Craig Allen	HEARING DATE: Sept 22, 1995
GRIEVANT: William Johnson	GRIEVANCE #: 27-10-1071, 61541207-01-03
DEPARTMENT: Corrections	UNION: OCS & A
MANAGEMENT ADVOCATE: Tim Spahn	UNION ADVOCATE: Annie M. Parsons

ISSUE

'Was the discipline for just cause?'

AWARD

I deny the grievance. He did testified that he had transported before and that he had read the Post Orders before but had not reviewed them on that day. However the Grievant had been employed since 1988 and knew the importance of inmate counts. While there may have been 2 inmates named Williams involved, only 7 were to be transported. I find the discipline fair.

ISSUED AT: Ross CI
DATE:

ARBITRATOR'S SIGNATURE:

Craig Allen

BENCH DECISION AND AWARD

ARBITRATOR: Craig A Allen	HEARING DATE: Sept 22, 1995
GRIEVANT: Rodney Anderson	GRIEVANCE #: 2723(C3/C4/95)347-01-03
DEPARTMENT: Corrections	UNION: DCSEA
MANAGEMENT ADVOCATE: TIM SPAIN	UNION ADVOCATE: Wm. Langford

ISSUE

Was the two day suspension for just cause?

AWARD

I uphold the grievance. I can find no nexus to job performance of the act complained of. Further, I cannot find on these facts any act that would discredit the employee. The SUT was off duty and was engaging in an otherwise lawful act at a Christmas party. While there may have been some members of the public there, it was not a public function. Further

ISSUED AT:
DATE:

ROSS CI

ARBITRATOR'S
SIGNATURE:

Craig Allen

#1079

BENCH DECISION AND AWARDARBITRATOR: *Craig Allen*HEARING DATE: *Sept 22, 1995*GRIEVANT: *Jerry Evans*GRIEVANCE #: *37-25(12/28/94)8.5-01-03*DEPARTMENT: *Corrections*UNION: *OCSEA*MANAGEMENT
ADVOCATE: *JH*UNION
ADVOCATE: *Don Sargent***SUE***Was:**Cause?**persuaded for just***AWARD**

I deny the grievance. I find the discipline progressive in light of the Gots disciplinary trail. I am persuaded by reports argument that even absent the Rule 13 allegations the discipline was fair. I also find that whatever the Gots thought, Brian Sparks clearly believed the abusive language was directed at him and so testified.

ISSUED AT:
DATE:*Ross CI*ARBITRATOR'S
SIGNATURE:*Craig Allen*

st 1079

BENCH DECISION AND AWARD

ARBITRATOR: Craig Allen

HEARING DATE: Sept 22, 1995

GRIEVANT: James Stanley

GRIEVANCE #: 27-25(03124125)-857-01-03

DEPARTMENT: Corrections

UNION: OCSEA

MANAGEMENT
ADVOCATE:

TIM [Signature]

UNION

ADVOCATE:

Wm Sargent [Signature]

ISSUE

Was the 7 day suspension for
just cause?

AWARD

I uphold the grievance in part and reduce to
a three day suspension. The Svt has no prior
discipline and 7 days is not progressive. The Svt
knew better than to do this. An officer of the
month doesn't get that award for doing
what "everyone else does". The discipline grid
allows for several grades of discipline for a
Rule 45 violation unlike Rules 31, 4, etc.

ISSUED AT:
DATE:

Ross CF

ARBITRATOR'S
SIGNATURE:

Craig Allen [Signature]