

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 1091 Expedited

OCB GRIEVANT NUMBER: 1) 27-25-950720-0916-01-03
2) 27-25-950531-0885-01-03

GRIEVANT NAME: 1) Jerrald Frazier
2) Robert Porter

UNION: OCSEA

DEPARTMENT: Rehabilitations and Corrections

ARBITRATOR: Craig Allen

MANAGEMENT ADVOCATE: Patrick A. Mayer

2ND CHAIR: Lou Kitchen

UNION ADVOCATE: Don Sargent

ARBITRATION DATE: Novmeber 14, 1995

DECISION DATE: November 14, 1995

DECISION: 1) Modified
2) Modified

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

HOLDING: 1) Grievant was right in reporting but wrong in telling others.
Reduced to a two day.
2) What grievant did was common practice but not common
sense. Reduced to a one day.

ARB COST:

BENCH DECISION AND AWARD

ARBITRATOR: Craig A Allen

HEARING DATE: November 14, 1995

GRIEVANT: Terrold Frazier

GRIEVANCE #: 27-25 (7120195) - 916-01-03

DEPARTMENT: Corrections

UNION: OCSA

MANAGEMENT
ADVOCATE: Patrick A. MayerUNION
ADVOCATE: Don Sargent**ISSUE**

Was the grievant disciplined
for just cause?

AWARD

I uphold the grievance in part and reduce to a 2 day suspension. The Sgt started out correctly by reporting the inmates information to his Captain. He erred by confiding in Warren and also by telling Co Dinn. The fact that the OSP found no evidence did not mean that Sgt was wrong in reporting it to start with. The error was in telling others who had no need to know. I find it disturbing that Womack got

ISSUED AT: SCDF
DATE: Nov 14, 1995ARBITRATOR'S
SIGNATURE: Craig Allen

7 days for an assault and DUT got 5 for Rule 13. I find this particularly disturbing when DUT testified, uncontradicted, that SOCF representatives went to the prosecutor and had DUT's case dismissed. This certainly adds strength to the unions defense.

In light of DUT's excellent performance evaluations and his having no discipline in his file I find 2 days commensurate with the offense

BENCH DECISION AND AWARD

ARBITRATOR: *Craig Allen*

HEARING DATE: *November 14, 1995*

GRIEVANT: *Robert Porter*

GRIEVANCE #: *27-25-(5/31/95)-PPS-01-03*

DEPARTMENT: *Corrections*

UNION: *O C S E A*

MANAGEMENT
ADVOCATE: *Patrick A. Mayer*

UNION
ADVOCATE: *Don Sargent*

ISSUE

Was the suspension for just cause?

AWARD

I uphold the grievance in part and reduce to a one day suspension. Based upon the Post Orders in effect and also based upon Inyo's address testimony and the testimony of Chief Steward Clegg that the doors are opened with inmates having access through the bull pen would not constitute a Rule 8 violation and I dismiss it. I find that common sense should tell an experienced CO that inmates cannot be permitted inside the closed area. Based

ISSUED AT: *SOCK*
DATE: *November 14, 1995*

ARBITRATOR'S
SIGNATURE: *Craig Allen*

upon the testimony of Jit that the Unit was on the
day in question and subsequent thereto places
cleaning supplies between the doors and also
based upon Dvts 9 yrs on the job with no
prior discipline I find one day is a sufficient
discipline