

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 1159 Expedited

OCB GRIEVANT NUMBER: 1) 27-14-951013-0353-01-03
2) 27-17-951205-0542-01-03

GRIEVANT NAME: 1) Tim Durham
2) Kenneth Robey

UNION: OCSEA

DEPARTMENT: Rehabilitation & Corrections

ARBITRATOR: Robert Stein

MANAGEMENT ADVOCATE: 1) Colleen Wise
2) Valerie Aden

2ND CHAIR: Colleen Wise

UNION ADVOCATE: Debra Abrams

ARBITRATION DATE: September 26, 1996

DECISION DATE: September 26, 1996

DECISION: 1) Denied
2) Denied

CONTRACT SECTIONS AND/OR ISSUES: 1) 5 Day Suspension
2) 1 Day Suspension

HOLDING: 1) The employer proved that the grievant used poor judgment which created a hostile environment for the visitor.

2) The grievant was not denied due process, and the Employer made a decision that was reasonable and commensurate with the infraction of being inattentive to duty.

COST:

BENCH DECISION AND AWARD

ARBITRATOR: R. Stein	HEARING DATE: 9/26/96
GRIEVANT: Tim Durham	GRIEVANCE #: 27-14 (10-13-95) 353 0103
DEPARTMENT: DRIC	UNION: OCSEA
MANAGEMENT ADVOCATE: Debra Abrams	UNION ADVOCATE: Colleen Wise

ISSUE

5 day suspension

AWARD

Grievance denied. The Employer proved that the Grievant exercised poor judgment in (1) not allowing an office visitor to put her under garments back on after she had cleared the metal detector AND was approved to enter the institution. (2) did not allow a woman to have the option of a pat down search. The result of the Grievant's poor decisions resulted in the creation of a hostile environment for the RN visitor.

ISSUED AT:
DATE: 9/26/96.

ARBITRATOR'S
SIGNATURE: 

BENCH DECISION AND AWARD

ARBITRATOR: R. Stein	HEARING DATE: 9/26/96
GRIEVANT: Kenneth Robey	GRIEVANCE #: 27-17(12-5-95)542-01-0
DEPARTMENT: DR & C	UNION: OCSEA
MANAGEMENT ADVOCATE: Debra Abramson	UNION ADVOCATE: Valerie E. Aden

ISSUE

1 day suspension

AWARD

Grievance denied. According to Articles 24.04 and 24.05 of the CBA, "... the employee shall be informed in writing of the reasons for the contemplated discipline and the possible form of discipline." and "The Agency Head ... shall make the final decision in forty five (45) days. Both of these things were done. The facts in this case did not change and the Grievant was not denied due process. According to Article 24.05, the Employer is required to carefully evaluate the evidence and make a reasoned decision, "Disciplinary measures

ISSUED AT:
DATE:

9/26/96

ARBITRATOR'S
SIGNATURE:

