

BENCH DECISION AND AWARD

ARBITRATOR: WASHINGTON, Dwight A.

HEARING DATE: August 6, 1997

GRIEVANT: DEAR, JAMES

GRIEVANCE #: 27-30(11-29-96) 452-01-03

DEPARTMENT: CORRECTIONS

UNION: OCSBA/AFSCME

MANAGEMENT
ADVOCATE: Dave Burris

UNION
ADVOCATE: Butch Wylie

ISSUE

WAS THE 5 DAY SUSPENSION FOR VIOLATION OF RULES #12 AND #13
FOR JUST CAUSE? IF NOT WHAT SHALL THE REMEDY BE?

AWARD

THE EVIDENCE SUPPORTS THAT THE GRIEVANT MADE
STATEMENTS AND/OR GESTURES IN VIOLATION OF RULE #12,
HOWEVER THE EVIDENCE DID SHOW A VIOLATION RULE #13.
THEREFORE THE FIVE DAY SUSPENSION IS REDUCED TO
2½ WORKING DAYS. THE DEPARTMENT OF CORRECTIONS
SHALL INSTITUTE THE APPROPRIATE REMEDIATION. THE
DEPARTMENT IS DIRECTED TO REMOVE #13 FROM THE
GRIEVANT.

ISSUED AT: MARION CORRECTIONS FACILITY
DATE: 8-6-96

ARBITRATOR'S
SIGNATURE:



BENCH DECISION AND AWARD

ARBITRATOR: WASHINGTON, DWIGHT A.

HEARING DATE: August 6, 1997

GRIEVANT: FISHER, GREGORY

GRIEVANCE #: 27-30-960205-0291-01-03

DEPARTMENT: CORRECTIONS

UNION: OCSBA / AFSCME

MANAGEMENT
ADVOCATE: DAVE BURRIS

UNION
ADVOCATE: BUTCH WYKIE

ISSUE

WAS THE 5 DAY SUSPENSION FOR VIOLATING STANDARDS OF EMPLOYEE CONDUCT RULE 11-SLEEPING ON DUTY APPROPRIATE? IF NOT WHAT SHALL THE REMEDY BE?

AWARD

THE 5 DAY SUSPENSION IS UPHOLD DUE TO THE SERIOUSNESS OF THE INCIDENT. THE GRIEVANT'S POSITION IN THE PERIMETER PATROL VEHICLE REQUIRES UPMOST ATTENTION AND CONSTANT ALERTNESS. THE MITIGATING ARGUMENT PRESENTED ON THE GRIEVANT'S BEHALF WAS INSUFFICIENT TO CHANGE THE 5 DAY SUSPENSION.

ISSUED AT: MARION CORRECTIONAL FACILITY
DATE: 8-6-96

ARBITRATOR'S
SIGNATURE: 