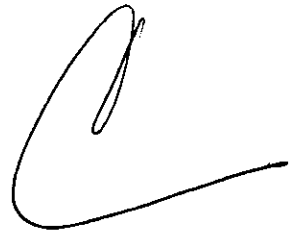


ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: ~~1222~~ Expedited

1222



OCB GRIEVANT NUMBER:
1) 27-25-960606-1079-01-03
2) 27-25-951005-0964-01-03
3) 27-25-960313-1047-01-09

GRIEVANT NAME:
1) Roy Waddlé
2) Daniel Riggs
3) Glen Barlowe

UNION: OCSEA

DEPARTMENT:
Rehab & Corrections
Rehab & Corrections
Rehab & Corrections

ARBITRATOR: Craig Allen

MANAGEMENT ADVOCATE:
1) Pat Mogan
2& 3) John McNally

2ND CHAIR:
1) John McNally
2 &3) Pat Mogan

UNION ADVOCATE: 1,2&3) Don Sargent

ARBITRATION DATE: August 25, 1997

DECISION DATE: August 25, 1997

DECISION:
1) Upheld
2) Modified
3) Upheld

CONTRACT SECTIONS
1) 2 Day Suspension
2) 3 Day Suspension
3) 1 Day Suspension

HOLDING:
1) Arbitrator Allen felt that Management failed to interview essential witnesses. This gave little credence to the statements they used in their case.
2) Grievant was suspended for just cause. But the 5 day suspension is reduced to a 3 day suspension because of no prior disciplinary record.
3) The Grievant was merely protecting himself against a felony act committed by an inmate of throwing feces and urine at him.

COST:



BENCH DECISION AND AWARD

ARBITRATOR: *Craig A Allen*

HEARING DATE: *August 25, 1997*

GRIEVANT: *Ray Waddle*

GRIEVANCE #: *27-25-(611196)1079-01-03*

DEPARTMENT: *Corrections*

UNION: *OCSEA*

MANAGEMENT
ADVOCATE:

Pat Morgan

UNION
ADVOCATE:

Wm Laurent

ISSUE

*Was the two day suspension for
just cause?*

AWARD

I uphold the grievance. mgmt evidence is basically an effort to use statements of the Sgt to show improper acts. However the testimony here is that use of silent alarms is a judgment call. The inmate never come out and the Sgt never went in. CO Jerry supports Sgt's testimony. CO Jerry was never interviewed by mgmt. If this matter was so serious more effort should have been made

ISSUED AT: *SOCF*

DATE: *August 25, 1997*

ARBITRATOR'S
SIGNATURE:

Craig Allen

to interview Co Jerry. There seems to have been plenty of time. I also noted with interest Goodman's reference to a discussion with the Inspector at CCI.

BENCH DECISION AND AWARD

ARBITRATOR: *Craig A Allen*

HEARING DATE: *August 25, 1997*

GRIEVANT: *Elen Barlowe*

GRIEVANCE #: *27-25-960313-1047-01-09*

DEPARTMENT: *Corrections*

UNION: *OCS EA*

MANAGEMENT
ADVOCATE: *JOHN McNALLY*

UNION
ADVOCATE: *Wm [Signature]*

ISSUE

*Was the one day suspension for just
care?*

AWARD

I uphold the grievance. I was persuaded by the fact that the water was used only when the inmate again tried to throw contaminated fluid on Sgt. Such an act is now a felony. Even a "convict" has the right to take reasonable steps to protect himself against a felony. It is a real twist of fate that if the inmate had been across the threshold of his cell and outside of it, Inevitably would have been able to use

ISSUED AT: *SOCF*
DATE: *August 25, 1997*

ARBITRATOR'S
SIGNATURE: *Craig Allen*

much greater force to protect himself.