

BENCH DECISION AND AWARD

ARBITRATOR: Robert Stein

HEARING DATE: 10/15/97

GRIEVANT: Catherine Lowe

GRIEVANCE #: 27-20-(12/26/95)2584-01-03

DEPARTMENT: DR & C

UNION: OCSEA

MANAGEMENT
ADVOCATE: D. BurrisUNION
ADVOCATE: J. McElvick
D. Mosier

ISSUE

5 day suspension.

AWARD

Grievance denied. This is an issue of credibility and communications within a context of maintaining security. The evidence does not support any plausible reason or motive for Mr. Dillard to be untruthful. Mr. Dillard had a confrontation with an inmate that needed to be addressed in two ways: secure the inmate in his cell and transfer him to SC. I find Mr. Dillard's testimony to be credible and persuasive. He told the Grievant on three occasions not to open cell 252. Mr. Dillard is the experienced officer on this post, Ms. Lowe was on the post one day. In the context of this type of work one can reasonably expect that the officer new to the area would take direction from the officer who is more experienced with the inmate and the post. If this is not done security can be compromised. The evidence in the form of the log clearly states Ms. Lowe knew she was not to open cell 252. She needed to be particularly respectful of Mr. Dillard's request given the serious nature of the inmate's threatening behavior and the potential for harm that could have resulted from the inmate being able to exit cell 252 when the door was opened.

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ARBITRATOR'S
SIGNATURE:

Robert Stein

threatening behavior and the potential for harm that could have resulted from the inmate being able to exit cell 252 when the door was opened. Given the Grievant's recent prior record of discipline I am denying the grievance.

BENCH DECISION AND AWARD

ARBITRATOR: Robert Stein

HEARING DATE: 10/15/97

GRIEVANT: BRANDI TEMPLEMAN

GRIEVANCE #: 27-20(7-8-97)3002-01-03

DEPARTMENT: DR & C

UNION: OCSEA

MANAGEMENT
ADVOCATE: D. BURVISUNION
ADVOCATE: J. McElvain**ISSUE**

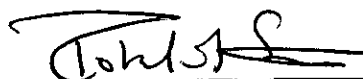
1 day suspension

AWARD

I find ~~that~~ the measure of corrective action in this case was excessive given the totality of the circumstances. This was a lapse in judgement and not an intentional or deliberate violation of Department Rule. The facts indicate the Grievant was attempting to respond to an unusual situation with expediency. Ms. Templeman was a rookie officer at this time and this was a rookie misjudgement. It is reasonable to assume in this case that the degree of the Grievant's error had an impact on Rev. I find that the initial level of a written warning to be more appropriate corrective step. The 1 day suspension shall be reduced to a written warning and the Grievant shall receive one (1) day

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of pay.

3/16/96 cjs

BENCH DECISION AND AWARD

ARBITRATOR: Robert Stein	HEARING DATE: 10/15/97
GRIEVANT: Terry Melton	GRIEVANCE #: 27-20 (8-28-96) 2738-C 1-03
DEPARTMENT: DR & C	UNION: OCSEA
MANAGEMENT ADVOCATE: DAVID BURRIS	UNION ADVOCATE: JAMES Mc ELVIN

ISSUE

1 day suspension

AWARD

I find the actions of the Department in this matter to be a measured and reasonable response to the violations of Departmental Rule. This was the Grievant's second suspension in less than a year and ~~because~~ he left his assigned area during visiting hour, creating a more serious breach of security.

However, it is noted that record shows the Grievant readily admitted his error and knew what should have been done. In consideration of the Grievant's recognition of his error and his seniority, this discipline shall be removed from his record 6 months ^{early}

ISSUED AT:
DATE: 10/15/97.

ARBITRATOR'S
SIGNATURE: 

if there is no intervening discipline during this period.

3/18/96 cjs