

BENCH DECISION AND AWARD

ARBITRATOR: R. Stein	HEARING DATE: 10/20/97
GRIEVANT: Mike Gaffney	GRIEVANCE #: 27-11 (95-10-6) 3670103
DEPARTMENT: DRIC	UNION: OCSFA
MANAGEMENT ADVOCATE: P. Meyer	UNION ADVOCATE: R. Jones

ISSUE

1 day suspension.

AWARD

Grievance sustained in part. 1 day suspension to be reduced to a written reprimand for violation of Rule 12. Grievant to pay 1 day pay and made whole for any other losses sustained.

The evidence does support the fact that the Grievant should have been more attentive to the debris on the perimeter fence and the collapsed condition of the fence. However, given the Grievant's tenure with the Department and the mitigating circumstances of frequent debris being created by inmates I find the imposition of a 1 day suspension to be to harsh.

ISSUED AT:
DATE: Lebanon 10/20/97

ARBITRATOR'S
SIGNATURE: [Signature]

BENCH DECISION AND AWARD

ARBITRATOR: R. Stein	HEARING DATE: 10/20/97
GRIEVANT: Daniel Ludwig	GRIEVANCE #: 27-11-(95-10-16)-0370-01-03
DEPARTMENT: DR & C	UNION: OCSEA
MANAGEMENT ADVOCATE: P. Mayer	UNION ADVOCATE: R. Jones

ISSUE

3 day suspension

525.96

AWARD

Grievance sustained in part. 3 day suspension to be reduced to a 1 day suspension for violation of Rule 8.

The evidence and testimony (particularly the statement of Mr. Rapp) supports the contention that the inmates were not in their bunks at for the 5:00 pm count. However, given Mr. Ludwig's long tenure with the Department and his record of employment, the discipline of 3 days (the maximum) appears to be more punitive than corrective. This was an error of judgement and not one of neglect or intent.

ISSUED AT: DATE: Lebanon 10/20/97	ARBITRATOR'S SIGNATURE: [Signature]
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BENCH DECISION AND AWARD

ARBITRATOR: <u>R. Stein</u>	HEARING DATE: <u>10/20/97</u>
GRIEVANT: <u>Martin Westall</u>	GRIEVANCE #: <u>27-11-(95-10-16)0368-01-03</u>
DEPARTMENT: <u>DR & C</u>	UNION: <u>OCSEA</u>
MANAGEMENT ADVOCATE: <u>P. Mayer</u>	UNION ADVOCATE: <u>R. Jones</u>

ISSUE

3 day suspension

AWARD

Grievance sustained. Grievant to be made whole for all time lost and discipline to be removed from his personnel record.

The Employed failed to prove that the Grievant was responsible for the inmates' acquisition of the broken saw blade. The Tool Check OUT SHEET defeats the ~~Employer's~~ ^{Employer's} contention that Mr. Westall was responsible for or had in his control a sawzall (saw blade) on 5-24-95, the date the inmate stated he obtained a broken blade.

ISSUED AT: Lebanon
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BENCH DECISION AND AWARD

ARBITRATOR: R. Stein

HEARING DATE: 10/20/97

GRIEVANT: Garth Feltner

GRIEVANCE #: 27-11-(95-10-R) 0371-01-03

DEPARTMENT: DR+C

UNION: OCSEA

MANAGEMENT ADVOCATE: P. Mayne

UNION ADVOCATE: R. Jones

ISSUE

1 day suspension

AWARD

Grievance Sustained. Grievant to be made whole for all time lost and discipline to be removed from his personnel record.

The Employer failed to prove the Grievant was inattentive to his duties on June 1 and June 2, 1995. The Grievant has a long record of service and appeared to be credible. On June 1, 2, 1995 he did not have binoculars, visibility was less than ideal and the Department itself proved that as persons could easily reach the perimeter fence undetected. (at that time).

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ARBITRATOR'S SIGNATURE: 

BENCH DECISION AND AWARD

ARBITRATOR: R. Stein

HEARING DATE: 10/20/97

GRIEVANT: James Croycraft

GRIEVANCE #: 27-11-(95-10-16)-0366-01-03

DEPARTMENT: DE&C

UNION:

MANAGEMENT ADVOCATE: P. Mayer

UNION ADVOCATE: R. Jones

ISSUE

1 day suspension

AWARD

Grievance sustained. Grievant to be made whole for all time lost and discipline to be removed from his personnel record.

The Employer failed to prove the Grievant was inattentive to his duties on June 1 and June 2, 1995. The Grievant provided credible testimony and has a long and distinguished record with the Department. On June 1, 2, 95 he didn't have binoculars, visibility was less than ideal and the Department itself proved that a person could easily reach the perimeter fence undetected. (at that time).

ISSUED AT: Lebanon 10/20/97

ARBITRATOR'S SIGNATURE: 