

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 1232 Expedited

OCB GRIEVANT NUMBER: 1) 27-03-970102-0682-01-03-SX
2) 27-03-970209-0691-01-03-SX
3) 27-03-961231-0681-01-03-SX

GRIEVANT NAME: 1) Roger Holt
2) Stephen Park
3) Michele Graybell

UNION: OCSEA

DEPARTMENT: Rehabilitation & Corrections

ARBITRATOR: Craig Allen

MANAGEMENT ADVOCATE: John McNally

UNION ADVOCATE: Dave Justice

ARBITRATION DATE: October 30, 1997

DECISION DATE: October 30, 1997

DECISION: 1) Granted
2) Modified
3) Denied

CONTRACT SECTIONS 1) 2 Day Suspension
2) 4 Day Suspension
3) 1 Day Suspension

HOLDING:

1) The Arbitrator was persuaded in this case by the results of the pre-disciplinary conference which resulted in a no just cause report.

2) The grievance was upheld in part and reduced to a 2 day suspension. The penalty imposed for falling asleep on the job was found to be excessive, given the grievant's amount of service time and lack of prior violations.

3) The Union requested a continuance which was opposed by the Employer and over ruled by the Arbitrator. The grievance was then denied after hearing the evidence and a review of the exhibits.

COST: \$

BENCH DECISION AND AWARD

ARBITRATOR: *Craig A. Allen*

HEARING DATE: *October 30, 1997*

GRIEVANT: *Roger Holt*

GRIEVANCE #: *27-03-970102-0682-01-03*

DEPARTMENT: *Corrections*

UNION: *OCSEA*

MANAGEMENT
ADVOCATE: *John McNally*

UNION
ADVOCATE: *Dave Justice*

ISSUE

*Was the two day suspension for just
cause?*

AWARD

*I grant the grievance. Mr. Maloney's testimony
is directly refuted by the Dist. Co. Peterson's state-
ment says "there was no disparage or racial statement."
Corroch makes no reference to a racial statement.
Co. Jenkins refers to a statement but does not
attribute it to the Dist. I find it persuasive
that the pre disciplinary conference resulted in a
no just cause report. This conference was
held a little over a month after the incident*

ISSUED AT: *Chillicothe CI*
DATE: *October 30, 1997*

ARBITRATOR'S
SIGNATURE: *Craig A. Allen*

BENCH DECISION AND AWARD

ARBITRATOR: Craig A Allen

HEARING DATE: October 30, 1997

GRIEVANT: Stephan Park

GRIEVANCE #: 27-0357020920691-01-03

DEPARTMENT: Corrections

UNION: OCEA

MANAGEMENT
ADVOCATE: John A. McAlayUNION
ADVOCATE: Dave Justice**ISSUE**

Was the 4 day suspension for just
cause?

AWARD

I uphold the grievance in part and reduce to a 2 day suspension. I see no reason why Sgt Scott would not be truthful in his observation. But was ill and may have dozed off briefly without being aware. However ill or not this is a serious offense. However I find that as a long term employee with no prior discipline the penalty is excessive. I do not find any violation of Rule 28. The weapons were in a locked vehicle. The

ISSUED AT: Chalkbrooke CI,
DATE: October 30, 1997ARBITRATOR'S
SIGNATURE: Craig Allen

BENCH DECISION AND AWARD

ARBITRATOR: *Craig A Allen*

HEARING DATE: *October 30, 1997*

GRIEVANT: *Michelle Graybello*

GRIEVANCE #: *27-03 (961231)*

DEPARTMENT: *Corrections*

UNION: *OCS&A*

MANAGEMENT
ADVOCATE:

John A. McMay

UNION
ADVOCATE:

Dave Justice

ISSUE

*Was the 1 day suspension for
just cause?*

AWARD

*Union moves for continuance. Opposed by
Employer motion overruled. The grievance
is denied after hearing the evidence
and reviewing the exhibits*

ISSUED AT:

DATE:

*Enrollment CI
October 30, 1997*

ARBITRATOR'S
SIGNATURE:

Craig Allen

BENCH DECISION AND AWARD

ARBITRATOR: Craig A. Allen

HEARING DATE: October 30, 1997

GRIEVANT: Michelle Grayholle

GRIEVANCE #: 27-03(961231)

DEPARTMENT: Corrections

UNION: OCSA

MANAGEMENT
ADVOCATE: John A. McNally

UNION
ADVOCATE: Dave Justice

ISSUE

Was the one day ~~suspension~~ fine
just cause?

AWARD

I deny the grievance. The employers testimony
is uncontradicted as to the facts on the day in
question. I credit the unions testimony as to
other cases but find that here had no
leave requested after it was refused.

ISSUED AT:

DATE: October 30, 1997

ARBITRATOR'S
SIGNATURE:

Craig Allen