

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 1255 Expedited

OCB GRIEVANT NUMBER: 1) 27-27-970502-0669-01-03-SX
3) 27-17-970110-0683-01-03-SX

GRIEVANT NAME: 1) Robert Gordon
2) Chad Cantu

UNION: OCSEA

DEPARTMENT: Rehab & Corrections

ARBITRATOR: David Pincus

MANAGEMENT ADVOCATE: John McNally

2ND CHAIR: Cynthia Sovell-Klein

UNION ADVOCATE: 1) Deb Bailey
2) Deb Bailey

ARBITRATION DATE: February 4, 1998

DECISION DATE: February 4, 1998

DECISION: 1) Denied
2) Modified

CONTRACT SECTIONS 1) 5 Day Suspension
2) 5 Day Suspension

HOLDING: 1) The Grievant was suspended for just cause. The Employer's witnesses were found to be credible and consistent. The Grievant was found guilty of using abusive language and fighting. Arbitrator Pincus found that progressive discipline did not apply since the punishment fit the offense committed by the Grievant.
2) Arbitrator Pincus modified the 5 day suspension to a 2 day suspension.

COST: \$

BENCH DECISION AND AWARD

ARBITRATOR: <i>Rex David M. Pincus</i>	HEARING DATE: <i>2/4/98</i>
GRIEVANT: <i>CHAD CARTER</i>	GRIEVANCE #: <i>27-17-970110-0688-01-03</i>
DEPARTMENT: <i>RERC</i>	UNION: <i>OCSEA</i>
MANAGEMENT ADVOCATE: <i>J. McNally</i>	UNION ADVOCATE: <i>DEB Bailey</i>

ISSUE

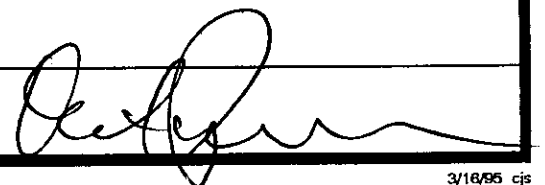
WAS the five (5) day suspension received by Grievant Chad Carter for just cause? If not what shall the remedy be?

AWARD

The Employer did have just cause to discipline the employee but the five (5) suspension is too severe under the circumstances. I, therefore, order that the five (5) day suspension shall be modified to a two (2) day suspension. The Grievant shall be reimbursed for three (3) days of work and all other associated benefit levels should be reconstituted to reflect the Award. The Grievant did not engage in sufficient diligence in his attempt to contact his supervisor or another appropriate management representative. He did, however, comply with work rule 2(A) by dropping off the paperwork before leaving the institution. If the threat was viewed by the Grievant as a general security threat, not a threat to his personal safety, then he should have engaged in an alternative means of force to control the situation. Finally, the Employer failed to support the Rule 2(A) violation.

ISSUED AT: *Northwest*
DATE: *2/4/98*

ARBITRATOR'S
SIGNATURE:



BENCH DECISION AND AWARD

ARBITRATOR: Dr. David M. PinCUS.	HEARING DATE: 2/4/98
GRIEVANT: Robert Gordon	GRIEVANCE #: 27-27(97-05-02) ⁶⁶⁹⁻ 01-03
DEPARTMENT: DRC	UNION: DEB OSEA.
MANAGEMENT ADVOCATE: J. McNally	UNION ADVOCATE: Deb Bailey

ISSUE

Was the five (5) day suspension by Grievant Robert Gordon for just cause? If not, what shall the remedy be?

AWARD

The Employer did have just cause to suspend the Grievant for five (5) days. Testimony provided by the Employer's witnesses was highly consistent and credible. Nothing in the record supports the notion that they had any animus toward the grievant that would justify some form of self-serving vendetta, whether the grievant has a "style" which differs from the previously mentioned individuals is totally irrelevant. In my view, Behaviors of this sort, ~~and~~ considering the psychological state of the inmate and the utterance of distasteful comments on two (2) occasions, warrants the imposed discipline. Based on the record, I view the imposed discipline as a prudent attempt to correct the grievant's behavior. Progressive discipline was not warranted because the imposed discipline fits the proven offenses.

ISSUED AT:
DATE:

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2/4/98

ARBITRATOR'S
SIGNATURE:

[Signature]