

CA

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 1260 Expedited

OCB GRIEVANT NUMBER: 1) 02-00-970129- 0043-01-09
2) 02-00-960501-0019-01-14
3) 15-02-970107-0001-01-03

GRIEVANT NAME: 1) Judith Johnson
2) Alan Yousey
3) Howard Lomax

UNION: OCSEA

DEPARTMENT: 1) Administrative Services
2) Public Safety

ARBITRATOR: Camille He`bert

MANAGEMENT ADVOCATE: 1,2) Edie Bargar
3) Carol Mason-Loubon

2ND CHAIR: Colleen Ryan

UNION ADVOCATE: 1,2) Karen Vroman
3) Bill Anthony

ARBITRATION DATE: February 23, 1998

DECISION DATE: February 23, 1998

DECISION: 1) Modified
2) Denied
3) Upheld

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

HOLDING: 1) The discipline imposed was modified from a one day suspension to a written reprimand, to correspond with the discipline imposed on other Employees who have committed similar infractions. The Suspension is to be removed from the Grievant's record and back pay awarded.
2) Arbitrator He`bert felt that the 3 day suspension was warranted given the responsibility of the Grievant's position.
3) The grievance was upheld because the Supervisor did not specifically remember giving the Grievant an order to work overtime. The suspension is to be removed from the Grievant's record and back pay is awarded.

COST: \$

BENCH DECISION AND AWARD

ARBITRATOR: L. Camille Hebert

HEARING DATE: February 23, 1998

GRIEVANT: Judith Johnson

GRIEVANCE #: 02-00 (97-01-29) 0043-01-09

DEPARTMENT: Dept of Administrative Services

UNION: OSCEA/AFSCME Local 11

MANAGEMENT
ADVOCATE: Edith Bangar

UNION
ADVOCATE: Karen Vroman

ISSUE

Parties did not stipulate to an issue; Accordingly, the arbitrator believes that the following issue is properly raised by the grievance:

Did the grievant receive a one-day suspension for just cause? If not, what should the remedy be?

AWARD

The grievant received a direct order on May 31, 1996 to notify all vendors and business associates that she should no longer receive personal packages at work. She failed to make this notification in a timely manner, even after distribution of a general policy applicable to all employees that employees would need to make arrangements with all shippers not to have personal mail delivered to the work location. Accordingly, she has violated the work rule and engaged in insubordination. The work rule itself, however, indicated that employees would be subject to progressive discipline. Because the grievant had previously received a verbal reprimand for her personal business-related activities, more serious discipline was appropriate. However, in light of ~~the fact~~ ^{actions taken against other employees,} it would appear that a ~~suspension~~ ^{written}

ISSUED AT:
DATE: 2/23/98

ARBITRATOR'S
SIGNATURE: L. Camille Hebert

3/10/98 cjs

reprimand would be appropriate.
Suspension removed from record and back pay awarded.

BENCH DECISION AND AWARD

ARBITRATOR: L. Camille Hebert

HEARING DATE: February 23, 1998

GRIEVANT: Sturix Alan Yousey

GRIEVANCE #: 02-00-(5-04-96)-0019-01-14

DEPARTMENT: Department of Administrative Services

UNION: OSEA Local 11

MANAGEMENT
ADVOCATE: Edith L. Burger

UNION
ADVOCATE: Karen Vroman

ISSUE

Did the grievant receive a three-day suspension for just cause? If not,
what shall the remedy be?

AWARD

The grievant's action of removing the cover from the ^{primary} file server while the server was running appears to have been contrary to the grievant's training and direction given by his supervisor. The grievant does not deny removing the cover and "sizing up" a CD-Rom while the server was running. While it is impossible to rule out all other possible causes of the failure of the hard drive, the strong probability is that the grievant's actions caused the failure of the hard drive and the resulting loss of data. In light of the responsibility given to the grievant to maintain the file server and data, the discipline for this ^{neglect} ~~violation~~ of duty appears to be commensurate with the grievant's actions. The grievance is denied.

ISSUED AT:
DATE: 2/23/98

ARBITRATOR'S
SIGNATURE: L. Camille Hebert

BENCH DECISION AND AWARD

ARBITRATOR: L. Camille Hébert

HEARING DATE: February 23, 1998

GRIEVANT: Howard Lomax

GRIEVANCE #: 15-02(970107) 01-01-03

DEPARTMENT: Bureau of Motor Vehicles

UNION: OSEA, Local 11 AFL-CIO

MANAGEMENT
ADVOCATE: Carol Mason-Louben

UNION
ADVOCATE: Bill Anthony

ISSUE

Was the one-day suspension given for just cause? If not, what shall the remedy be?

AWARD

Insubordination is defined under the Work Rules of the Ohio Department of Public Safety for Non-Sovereign Personnel as "failure to comply with a reasonable and legal, direct work order given with proper authority." The supervisor had the right to require that the grievant read and sign the Computer Compliance Agreement on September 12, 1996 and the right to impose discipline for failure to do so if the supervisor had mandated overtime for the employee to stay and perform this task. However, the supervisor testified that he does not recall if he mandated overtime for this employee. Under those circumstances, the grievant -- who may have understood that he was now on his own time -- does not appear to have been required or informed that he was required to stay. Accordingly, it does not appear that the grievant was insubordinate. Grievance is upheld. Suspension removed from record and back pay awarded.

ISSUED AT: 2/23/98
DATE:

ARBITRATOR'S
SIGNATURE: L. Camille Hébert

the employer has established that