

ARBITRATION SUMMARY AND AWARD LOG
OCB AWARD NUMBER: 1261 Expedited

OCB GRIEVANT NUMBER: 1) 27-26-961113-0731-01-03-S
2) 27-26-960712-0008-01-03-S

GRIEVANT NAME: 1) William Mosley
2) James Gebele

UNION: OCSEA

DEPARTMENT: Rehab & Corrections

ARBITRATOR: Craig Allen

MANAGEMENT ADVOCATE: Patrick Mayer

2ND CHAIR: Pat Mogan

UNION ADVOCATE: Bob Rowland

ARBITRATION DATE: March 3, 1998

DECISION DATE: March 3, 1998

DECISION: 1) Denied
2) Modified

CONTRACT SECTIONS 1) 3 Day Suspension
2) 5 Day Suspension

HOLDING: 1) The discipline imposed by Management was found to be appropriate and progressive. The Grievant was charged with failure to follow post-orders and search Inmates. The grievance was denied.
2) Management did not prove that the grievant was asleep on the job. However, Arbitrator Allen did find that he was inattentive and ordered that the suspend be reduced to three days.

COST: \$

BENCH DECISION AND AWARD

ARBITRATOR: Craig A Allen

HEARING DATE: March 3, 1998

GRIEVANT: James Gobebe

27-26-980712-0008-01-03
GRIEVANCE #: ~~87-26-980521~~ 685-01-03

DEPARTMENT: Corrections

UNION: OCEA

MANAGEMENT
ADVOCATE: Patrick Mayer

UNION
ADVOCATE: Bob J. Rowland

ISSUE

Was the 5 day suspension for
just cause?

AWARD

Management did not establish by the preponderance of the evidence that Grievant was asleep. However it is evident that Grievant was inattentive. It is therefore ordered that the suspension be reduced to three days. It is ordered that Grievant be given two days back pay plus roll call.

ISSUED AT: Warren CI
DATE: March 3, 1998

ARBITRATOR'S
SIGNATURE: Craig A Allen

BENCH DECISION AND AWARD

ARBITRATOR: Craig A Allen

HEARING DATE: March 3, 1998

GRIEVANT: William Mosley

GRIEVANCE #: 27-26(961113)731-01-03

DEPARTMENT: Corrections

UNION: O CSEA

MANAGEMENT
ADVOCATE: Patrick MayerUNION
ADVOCATE: Bob J. Rowland**ISSUE**

Was the three day suspension for just
cause?

AWARD

I deny the grievance. It is clear that I and others
were made aware in a meeting that Ingt was stressing
showdowns. CO Murray testified that at least 5 inmates
had contraband and the photos show a large
quantity of contraband. There is no dispute that the
Post Orders require all leaving inmates in kitchen whites to
be searched. Since at least 5 were not it seems
I was not following orders. The question of why
only kitchen inmates and not others are required to be

ISSUED AT: Warren CI
DATE: March 3, 1998ARBITRATOR'S
SIGNATURE: Craig Allen

seized is beyond my jurisdiction. The question as to whether others should have been interviewed by the Investigating Officer is not a defense. Dnt was free to call any witness he wanted on his own behalf. Subpoenas are available to Dnt as well as Agent. I find the discipline progressive and fair under the circumstances.