

**ARBITRATION SUMMARY AND AWARD LOG**

**OCB AWARD NUMBER: 1307 Expedited**

**OCB GRIEVANT NUMBER:** 27-30-970909-0534-01-02-S

**GRIEVANT NAME:** Timothy Davis

**UNION:** OCSEA

**DEPARTMENT:** Rehabilitation & Corrections

**ARBITRATOR:** Robert Stein

**MANAGEMENT ADVOCATE:** Jerry Ballenger  
**2ND CHAIR:** Pat Mogan

**UNION ADVOCATE:** Butch Wylie

**ARBITRATION DATE:** August 5, 1998

**DECISION DATE:** August 5, 1998

**DECISION:** Denied in part/Sustained in part

**CONTRACT SECTIONS** 24.01 Was the Grievant discipline for just cause?  
1 Day Suspension

**HOLDING:** The Grievant was charged with violation of rules 2b (Tardiness), 3b (Absenteeism) 26 and 24(Interfering/Failing to cooperate). Arbitrator Stein found that the Grievant was not truthful in his explanation of why he was tardy. He equated this with failing to cooperate in an investigation. The absenteeism charge was not found to be just because of the Employer's policy on tardiness. The Grievant had called off in accordance with the trades call off requirement. The one day suspension will stand for violation of rule 2b and rule 24.

**COST:** \$

#1307

**BENCH DECISION AND AWARD**

ARBITRATOR: ROBERT Stein

HEARING DATE: 8/5/98

GRIEVANT: Timothy E. Davis

GRIEVANCE #: 27-30-970909-0534-01-03

DEPARTMENT: DR &amp; C.

UNION: OCSEA

MANAGEMENT ADVOCATE: Jerry Ballenger

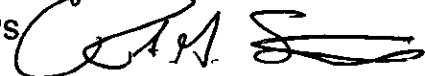
UNION ADVOCATE: Butch Wylie

**ISSUE**

1 day suspension for standards of Employee Conduct rule violations: 2b Tardiness; 3b Absenteeism; and 24 Interfering/failing to cooperate with an official investigation

**AWARD**

Grievance denied in part and sustained in part. The 1 day suspension stands for violation of Rule 2b and Rule 24. The Grievant was tardy and I find he <sup>was</sup> not truthful in his explanation of why he was tardy. Not being truthful is the equivalent of failing to cooperate in an investigation. However, in light of the Department's own policy on tardiness I do not find the Grievant violated Rule 3b. The Grievant called off in accordance with the tardiness call off requirements of Section IV A (first paragraph). He did not violate

ISSUED AT:  
DATE:NCCI  
8/5/98ARBITRATOR'S  
SIGNATURE:

Section IV A 1. AND WAS INAPPROPRIATELY CHARGED WITH THIS Rule violation.