

#1314

BENCH DECISION AND AWARD

ARBITRATOR: *Dr. David M. Pincus*

HEARING DATE: *Sept. 15, 1998*

GRIEVANT: *William Davis*

GRIEVANCE #: *27-27(97-12-11)737-01-08*

DEPARTMENT: *DRAC*

UNION: *OCSEA*

MANAGEMENT ADVOCATE: *Andrea Keresztesy*

UNION ADVOCATE: *Rebra Bailey*

ISSUE

Was the Grievant suspended for just cause? If not what shall the remedy be

AWARD

The Employer had just cause to suspend the Grievant for ten (10) days. The Union was unable to rebut with sufficient probative evidence or testimony that the Grievant did not violate Rule 4(B) or Rule 4. ~~Not~~ The record clearly supports the action that the Grievant ^{did not} receive approval for the days in question. The documentary evidence and the circumstances surrounding the disputed matter support the conclusion that Rule 4 was indeed violated. It is obvious to the Arbitrator that the Grievant's years of service and past work and disciplinary records caused the Employer to lesser the imposed penalty to a suspension. Normally, a first offense involving a Rule 4 violation leads to removal.

ISSUED AT:
DATE:

9/15/98

ARBITRATOR'S
SIGNATURE:

[Signature]