

**ARBITRATION SUMMARY AND AWARD LOG**

**OCB AWARD NUMBER: Expedited 1326**

**OCB GRIEVANCE NUMBER:** 1) 27-23-971113-0542-01-03-S  
2) 27-23-970207-0537-01-03-S - please note, number on the Arbitrator's Award is incorrect.

**GRIEVANT NAME:** 1) Jeffrey Felts  
2) Michael Weaver

**UNION:** OCSEA/AFSCME, Local 11

**DEPARTMENT:** Department of Rehabilitation and Correction

**ARBITRATOR:** Robert Stein

**MANAGEMENT ADVOCATE:** 1) Jillian Froment  
2) Carie Torrence

**2ND CHAIR:** Cindy Sovell-Klein

**UNION ADVOCATE:** Don Sargent

**ARBITRATION DATE:** October 23, 1998

**DECISION DATE:** October 23, 1998

**DECISION:** 1) DENIED  
2) MODIFIED

**CONTRACT SECTIONS:** 1) 24.01, 24.02  
2) 24.01, 24.02, 24.05

**HOLDING:** 1) Grievance is DENIED. Grievant was suspended for 3 days after violating Work Rule 8 - Failure to carry out a work assignment or the exercise of poor judgment in carrying out an assignment. The charge resulted from the Grievant's involvement in an Excessive Use of Force Incident. The Grievance was denied in its entirety.

2) Grievance is Modified. "Grievance sustained in part and denied in part. The 10 day suspension is reduced to a 4 day suspension for violation of rules 41, 6 & 8. [41 - Use of excessive force toward any individual under the supervision of the Department or a member of the general public. 6 - Insubordination - disobedience or inappropriate delay in carrying out a direct order of a supervisor. 8 - Failure to carry out a work assignment or the exercise of poor judgment in carrying out an assignment.] The reduction in the suspension is due the mitigating circumstances present in this case: the Grievant's impaired judgment; the use of excessive force was not of a nature that caused serious physical harm to the inmate; the Grievant's efforts in carrying out a directive by his sergeant to handcuff the inmate and the charged atmosphere that already existed in 1B.

This was a difficult situation for a four year officer to be in. I agree with the employer that it was very serious, but I don't agree that the Grievant's actions were the only contributing factors. The Grievant made some mistakes in judgment, over reacted, and was insubordinate. However, his injured state and the intensity that arises out of this type of life threatening situation should have been given greater consideration in issuing corrective action. The 4 day suspension represents the minimal corrective action for Rules 41, 6 & 8."

**COST:** \$503.69

#1326

**BENCH DECISION AND AWARD**

ARBITRATOR: ROBERT STEIN

HEARING DATE: 10/23/98

GRIEVANT: Jeffrey Felts

GRIEVANCE #: 27-23-971113-0542-01-03

DEPARTMENT: DR&amp;C

UNION: OCSEA

MANAGEMENT  
ADVOCATE:UNION  
ADVOCATE: Don Sargent**ISSUE**

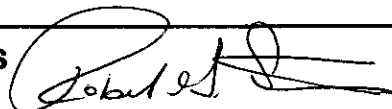
3 day suspension

**AWARD**

Grievance denied.

ISSUED AT:  
DATE:

10/28/98

ARBITRATOR'S  
SIGNATURE:

411324

## BENCH DECISION AND AWARD

ARBITRATOR: ROBERT STEIN

HEARING DATE: 10/23/98

GRIEVANT: Michael Weaver

GRIEVANCE #: 27-23-971007-0537-01-03

DEPARTMENT: DR <sup>1</sup>/<sub>2</sub> C

UNION: DCSEA

MANAGEMENT  
ADVOCATE: Carrie TorrenceUNION  
ADVOCATE: Don Sargent

## ISSUE

10 day suspension

## AWARD

Grievance sustained in part and denied in part. The 10 day suspension is reduced to a 4 day suspension for violation of rules 41, 6 & 8. The reduction in the suspension is due the mitigating circumstances present in this case: the Grievant's impaired judgement; the use of excessive force was not of a nature that ~~caused~~ caused serious physical harm to the inmate; the Grievant's efforts in carrying out a directive

ISSUED AT: Ross  
DATE: 10/23/98ARBITRATOR'S  
SIGNATURE: 

by his Sergeant to handcuff the inmate and the charged atmosphere that already existed in 1B.

This was a difficult situation for a four year officer to be in. I agree with the Employer that it was very serious, but I don't agree that the Grievant's Actions were the only contributing factors. The Grievant made some mistakes in judgement, over reacted, and was insubordinate. However, his injured state and the intensity that arises out of this type of life threatening situation should have been given greater consideration in issuing corrective action. The 4 day suspension represents the minimal corrective action for Rules 41, 6 & 8.