

#1330

BENCH DECISION AND AWARD

ARBITRATOR: <i>IVRMAN</i>	HEARING DATE: <i>11-4-98</i>
GRIEVANT: <i>Clendenen</i>	GRIEVANCE #: <i>27-16-980210-2869-01-03</i>
DEPARTMENT: <i>OD RHC</i>	UNION: <i>CCSEA</i>
MANAGEMENT ADVOCATE: <i>Kevin Schaeffer</i>	UNION ADVOCATE: <i>Mike Hill</i>

ISSUE

Was G. disciplined for just cause? If not, what is the appropriate remedy?

AWARD

G. is a nearly 2 year employee of the institution. His disciplinary record shows a 30 day susp. issued in Dec 1997 for conduct occurring in July 97. The party involved in the prior incident ~~John Chew~~, is not a witness nor a party to the incident giving rise to the current discipline. However, the events in that matter do bear on the current matter, as explained below. The current incident occurred on 11-23-97, while discipline was still pending on the July incident involving Chew.

The facts involved ~~John Chew~~ ^{G.} ~~Clendenen~~ have a retracked

ISSUED AT: *Marion Ohio*
DATE: *11-4-98*

ARBITRATOR'S SIGNATURE: *[Signature]*

#1330

BENCH DECISION AND AWARD

ARBITRATOR:

FURMAN

HEARING DATE:

11-4-98

GRIEVANT:

Randy MARTIN

GRIEVANCE #:

27-16-97/216-2786-0103

DEPARTMENT:

DPR+C

UNION:

CSEA

MANAGEMENT
ADVOCATE:

Meredith Hobart

UNION
ADVOCATE:

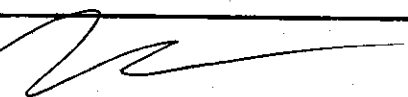
Mike Hill

ISSUE

Was G. disciplined for just cause? If not, what is the appropriate remedy?

AWARD

From
The facts are not in dispute. Martin was assigned to keep at CTA from 9-8 - 9-12-97. He was granted 4 hrs. admin. leave for this purpose. On 9-8-97 it was announced that class was cancelled for 9-12-97. G. states he did recall being advised to report back to the institution on 9-12. He did not report. His rationale, offered at the instant hearing was, he had 4 hrs. in and therefore did not need to report. The Arbitrator has several concerns

ISSUED AT:
DATE:Mason on
11-4-98ARBITRATOR'S
SIGNATURE:


#1330

BENCH DECISION AND AWARD

ARBITRATOR: <i>JURMAN</i>	HEARING DATE: <i>11-4-98</i>
GRIEVANT: <i>GARY TOLIN</i>	GRIEVANCE #: <i>27-16-97-1216-2787-01-03</i>
DEPARTMENT: <i>OD R+C</i>	UNION: <i>OCSEA</i>
MANAGEMENT ADVOCATE: <i>Meredith Hobatz</i>	UNION ADVOCATE: <i>Mike Hall</i>

ISSUE

Was G. Disciplined for just cause? If not, what is the appropriate remedy?

AWARD

The facts are not in dispute: G was given 40 hr. AH to attend training at C.T.A. in Orient. On 9-8-97, all participants were notified that training was cancelled for 9-12-97. G. did not show. ~~recall being on~~ report on 9-12, nor did he ask for leave for that date until 10-2-97. On that date, he asked for, & was granted, 8 hr. personal leave. G's explanation for his failure to call in on 9-12 is that it was his regular day off; & he thought he was expected in that date.

ISSUED AT: *Marion OH*
DATE: *11-4-98*

ARBITRATOR'S SIGNATURE: *[Signature]*

~~Re: [illegible]~~
Tosin's explanation of his failure to call off for 9-12-97 is credible and reasonable. He stated since he only used 32 AL. but was granted 40 he owed the state 8 more hours, & he totally applied for personal leave. Said request was approved.

As with Martin & Vinters, the Arbitrator was concerned with the lack of specificity of charges. -RCI 24.34 - too weak a net.

~~That is stated as a potential disciplinary, security, & discipline is also involved in its internal~~
There is no just cause for ^{3 day suspension} ~~disruption~~ for this ~~incident~~

this 17yr employee: he did not call off as he was not expected at MCI. on 9-12-97 his failure to request leave until 10-2 appears to be a combination of his being ^{at CTA} ~~gone~~ most of September on training assignment and a ~~lack of~~ ^{understanding} ~~appreciation~~ of his status for 9-12. He should have checked on the ~~status~~ with MCI at some point before 10-2, to determine ~~what~~ ^{if} he had 9-12 s/b treated for pay purposes. A written reprimand supports management's need to put him on notice of reporting and requirements; the disruption is ~~modest~~ ^{modest} accordingly. IT IS SO HEREBY ORDERED as it was his regular day off.

#1330

BENCH DECISION AND AWARD

ARBITRATOR:

FURMAN

HEARING DATE:

11-4-98

GRIEVANT:

Jerry Winkes

GRIEVANCE #:

27-16-971216-278-01-3

DEPARTMENT:

ONRC

UNION:

OCSEA

MANAGEMENT
ADVOCATE:

M Lohrke

UNION
ADVOCATE:

M Hel

ISSUE

Was G discharged for just cause? If not, what is the approp. remedy?

AWARD

G. was granted 40 hr AL 9-8-9-12-97 to attend training at CTA. On 9-8-97, an announcement was made that there will be no training on 9-12, & that ees should contact their respective institutions as to their responsibilities. G did recall this statement. but he knew he had no training on 9-12; ~~was~~ had not have a regular day off on Friday; and had been granted AL for a day he was expected to be performing services for the state. Instead, G. did report on 9-12 nor did he attempt to

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Marion 4 11-4-98

ARBITRATOR'S
SIGNATURE:

account for his time on 9-12 until after an
investigating interview on 9-30-78. G. explains
that he had > 4 Chrs in + was given the State
3 hr. are unnecessary. ^{The problem is not on the State with these facts} The problem is what is
his misconduct? The charge levied by the
State is RC 124.34: that costs a very wide
net. G. & the Union, for reasons of f.p. & fundamental
fairness, is entitled to notice of a particular charge.
G.'s conduct is not blameworthy, for the reasons explained
above. Yet Management action is not commensurate.
G. is a long term employee with no significant prior
discipline of record. The discipline is too harsh, +
~~as management~~ it is therefore modified to
a one (1) day suspension. It is so hereby
Ordered.

as G. & the Union
Suggest.
If G. was working
at the CTA on
9-12, then
someone at MCI
should have
been given notice
of his status + whereabouts
at a date much
earlier than 9-30.