

BENCH DECISION AND AWARD

#1338

ARBITRATOR: Robert Stein

HEARING DATE: 12/21/98

GRIEVANT: Michael Lake

GRIEVANCE #: 27-11-97/224-0757-0-03

DEPARTMENT: DR & C

UNION: OCSEA

MANAGEMENT ADVOCATE: Ron Hart

UNION ADVOCATE: Robert Jones

ISSUE

10 day suspension, 3 f

AWARD

Grievance denied. I find that the Grievant had responsibility for properly filling out his leave form. Given the Grievant's disciplinary record I find management's actions to be reasonable.

JED AT: Lebanon

E: 12/21/98

ARBITRATOR'S SIGNATURE:



BENCH DECISION AND AWARD

#1338

ARBITRATOR: ROBERT STEIN

HEARING DATE: 12/21/98

GRIEVANT: Michael Lake

GRIEVANCE #: 27-11-980313-0797-01-03

DEPARTMENT: DR & C

UNION: OCSEA

MANAGEMENT
ADVOCATE: Ron HartUNION
ADVOCATE: Robert Jones

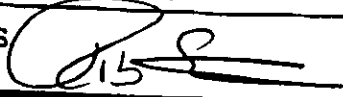
ISSUE

10 day suspension, 3f

AWARD

Grievance denied in part and sustained in part. The Employer showed restraint in its application of correction action following the Grievant's September 25th and 26th absences.

However, the EAP Agreement entered into on January 22, 1998 is confusing in light of pending discipline for incidents in November and December 1997. It is unclear which discipline is being referenced since this section is left blank. It appears contrary to

HEARD AT: Lebanon
DATE: 12/21/98ARBITRATOR'S
SIGNATURE: 

the spirit of the EAP Agreement for the
Employee to render discipline during its (EAP)
Application for an incident so closely related
to the Grievant's November Absence. Nothing
prohibits an Employer from issuing additional
discipline, if course, following the EAP Agreement;
however, it seems reasonable that the Grievant's
December 24 and 25th absences should have
been included in the final "last chance" EAP
approach apparently taken by the Employer.

Let me be clear that the Grievant
has had a serious problem with attendance
in the past. This decision shall not be
taken to diminish that fact. However,
the Grievant stated he has not had a
disciplinary action since he completed the EAP
program in the summer of 1998, a fact that
was not disputed by the Employer. In light
of the apparent corrective effect of the
EAP program to date, the 10 day suspension
shall be removed from the Grievant's record
and he shall receive 5 days of back pay
(at the applicable rate) under this condition:
He remains free of discipline for absenteeism
through July 22, 1999

BENCH DECISION AND AWARD

#1338

ARBITRATOR: Robert Stein

HEARING DATE: 12/21/98

GRIEVANT: Thomas Muennich

GRIEVANCE #: 27-11-970709-0695-01-03

DEPARTMENT: DRIC

UNION: OCSEA

MANAGEMENT ADVOCATE: Ron Hart

UNION ADVOCATE: Robert Jones

ISSUE

5 day suspension, ruled 8/39

AWARD

Grievance denied The evidence in this case supports the position of management. I find the Grievant used poor judgement regarding inmate Fritz's actions and did not aid his fellow officers. The Grievant should have had knowledge of what was occurring and was obligated to provide more direct assistance to officer Bishop.

ISSUED AT: Lebanon C.I.
DATE: 12/21/98

ARBITRATOR'S SIGNATURE: Robert Stein

BENCH DECISION AND AWARD

#1338

ARBITRATOR: Robert Stein	HEARING DATE: 12/21/98
GRIEVANT: Willie Worley	GRIEVANCE #: 27-11-970220-0656-01-03
DEPARTMENT: DR & C	UNION: OCSEA
MANAGEMENT ADVOCATE: Ron Hart	UNION ADVOCATE: Robert Jones

ISSUE

3 day suspension, rule # 8 & 22

AWARD

Grievance denied. The weight of the evidence supports management's actions in this matter. It is clear that the taking of count is fundamental to the mission of a correctional institution. Not taking count is a fundamental failure to perform an essential function. Falsely reporting a count as if it were actual taken is nothing less than a misrepresentation of a material fact. In this matter there was no justification for the Grievant's actions.

HEARD AT: Lebanon Corr. Inst.
DATE: 12/21/98

ARBITRATOR'S
SIGNATURE:

