

#1383

**DECISION AND AWARD**

**STATE OF OHIO/OCSEA EXPEDITED ARBITRATION PANEL**

Arbitrator - Charles Kohler  
Hearing Date - July 13, 1999  
Hearing Location - Dayton, Ohio  
Grievant - Lottie Harris  
Grievance # - 11-05-980702-258-01-09  
Department - Ohio Bureau of Employment Services

Management advocate - Jerry Lehman  
Union advocate - Mike Martin

Issue - Was the three day suspension of the Grievant for just cause? If not, what shall the remedy be?

Award - The grievance is partially sustained. The Arbitrator finds that the employer failed to present sufficient evidence to show that the Grievant engaged in misconduct with regard to the April 8, 1998, telephone conversation with La Rhonda Broyles. The evidence does show that the Grievant violated agency policy by refusing to provide her name to Daria Stone on April 8, 1998. However, there is no evidence that Grievant had engaged in a pattern of refusing to provide her name to customers, or of otherwise failing to provide proper service. The single incident of misconduct does not warrant a three day disciplinary suspension. The three day suspension will be reduced to a written reprimand. The Grievant will be made whole for any compensation lost as a result of the suspension.

Issued at - Columbus, Ohio  
Date - July 14, 1999

  
Charles W. Kohler, Arbitrator

**DECISION AND AWARD**  
**STATE OF OHIO/OCSEA EXPEDITED ARBITRATION PANEL**

Arbitrator - Charles Kohler  
Hearing Date - July 13, 1999  
Hearing Location - Dayton, Ohio  
Grievant - Lottie Harris  
Grievance # - 11-05-980908-260-01-09  
Department - Ohio Bureau of Employment Services

Management advocate - Jerry Lehman  
Union advocate - Mike Martin

Issue - Was the fifteen day suspension of the Grievant for just cause? If not, what shall the remedy be?

Award - The grievance is partially sustained.

The evidence shows that Grievant engaged in misconduct on June 4, 1998, by making rude, insulting, and improper statements to her supervisor, Greg Beeching. The Grievant's actions created a disturbance in the workplace. Further, the evidence does not show that Mr. Beeching provoked the Grievant.

The Arbitrator finds that the Grievant failed to report for work on four consecutive scheduled workdays - June 30, 1998, July 1, 1998, July 2, 1998, and July 6, 1998. On June 24, 1998, she submitted a written vacation request for these four days. However, the request was disallowed because other employees were already scheduled to be off work on the days requested by the Grievant. Employees have a duty to ascertain whether a request for leave has been approved. Grievant failed to act reasonably when she did not report for work as scheduled. Grievant also deliberately evaded the employer's attempts to notify her of the disapproval.

These two incidents constitute serious misconduct. Nevertheless, in consideration of the fact that an earlier three day suspension was reduced to a written reprimand in the arbitration of grievance no. 11-05-980702-258-01-09, the suspension in this case will be reduced to ten days. Grievant will be made whole for any compensation lost as a result of the reduction of the suspension from fifteen days to ten days.

Issued at - Columbus, Ohio  
Date - July 14, 1999



Charles W. Kohler, Arbitrator