

SUBJECT: ARB SUMMARY #1455

TO: ALL ADVOCATES
FROM: MICHAEL P. DUCO

AGENCY: Rehabilitation & Correction
UNION: OCSEA/AFSCME Local 11
ARBITRATOR: Craig Allen
STATE ADVOCATE: Ted Dyrdek
UNION ADVOCATE: Dave Justice
BNA CODES: 118.25 (Post orders, policies, procedures); 118.6485 (Falsification);
94.09 (Procedural arbitrability)

Grievances were sustained.

These grievances of 15 days suspensions were arbitrated under the rules for expedited arbitration. The Arbitrator's decision consists of one hand written sentence in which he declares that the Union's objection under Article 24.05 (45 day discipline timeline following the pre-disciplinary conference) is "well taken", and that the case is dismissed. A review of the paperwork in the grievance files reveals that the pre-D conferences were held on Sept. 22, Sept. 29, and October 26, 1999, and that the Orders of Suspension were signed by Warden Edwards on Nov. 8, 1999.

Management argued that the 45 day imposition timeline should have begun with the date of the last day of the pre-D – October 26, 1999. This would establish that there were only 13 days between the pre-D and the date the Warden made his decision on the suspensions. The case should be determined by the merits.

The Union argued that Management's timeline for imposition of discipline must begin with the date of the first day of the pre-D meeting – September 22, 1999. This would establish that the Warden's decision was made on the 47th day following the pre-D, a clear violation of Article 24.05 and a fatal procedural error.

The Arbitrator agreed with the Union and sustained the grievances due to Management's procedural error. The merits of the grievances were not heard.

1455

BENCH DECISION AND AWARD

ARBITRATOR: Craig A. Allen

HEARING DATE: October 27, 2000

GRIEVANT: Jeremy Doss

GRIEVANCE #: 27-05 1000184 8687-0102

DEPARTMENT: Corrections

UNION: OCSEA

MANAGEMENT
ADVOCATE:

Leadford J

UNION

ADVOCATE:

Dave Foster

ISSUE

was the discipline for just cause?

AWARD

The union having raised a procedural objection under Article 24.05 and evidence having been presented by both parties the objections is well taken and the case is dismissed

ISSUED AT: Grant ccc
DATE: Oct 27, 2000

ARBITRATOR'S
SIGNATURE:

Craig Allen