

#1623

ARBITRATION AWARD

**OHIO DEPARTMENT OF PUBLIC SAFETY,
DIVISION OF THE STATE HIGHWAY PARTOL**

And

**OHIO STATE TROOPERS ASSOCIATION
GRIEVANT: COLLEEN J. COYNE**

CASE NUMBER: 15-00-020903-0136-04-01

APPEARANCES: For the Highway Patrol—Tpr. Jeremy Allen, Dispatcher Linda Wolf, Capt. Richard H. Collins, and Sgt. Charles J. Linek, OSHP HRM Advocate.

For the union—Tpr. Colleen J. Coyne, Grievant, and Herschel M. Sigall, OSTA Advocate.

ISSUE: Was grievant issued a seven-day suspension for just cause, and was three days suspension held in abeyance properly imposed? If not, what shall the remedy be?

FACTS: Grievant is currently assigned to the Chardon Post, and was assigned to the Findley Post at the time of the incident. Grievant was disciplined for being involved in a verbal altercation with a coworker, in violation of Admin. R. 4501:2-6-02(B)(1)(5), Performance of Duty/Inefficiency. The facts were not seriously in dispute.

Grievant made a late night traffic stop of two male subjects and smelled the odor of alcohol and marijuana when she approached the passenger window. She took the driver's information back to call in and asked for backup because the vehicle would have to be searched. She made at least one other call to the dispatcher that indicated drugs and alcohol were involved. She then waited until one of the other two officers on duty came and assisted her. The arrest was made without incident and she did not see Tpr. Allen that night after their shift ended. On the

following night, before the start of their shift, the grievant approached him in the public area of the post, and, in the presence of a cadet dispatcher and the dispatcher, said words to the effect that "I could have gotten my fucking ass kicked" after she asked him what the delay had been the previous night when she asked for backup. Tpr. Allen's response was "Fuck you, C.J. The grievant then reported Tpr. Allen, because she had received a previous one-day suspension for calling a fellow trooper a "fucking dick." Despite suggestions from the Sergeant, the Lieutenant, and the Captain that she should not pursue the matter, especially since she had been given a transfer, the grievant insisted on the investigation. The investigation resulted in a one-day suspension held in abeyance for Tpr. Allen, and the current discipline for the grievant.

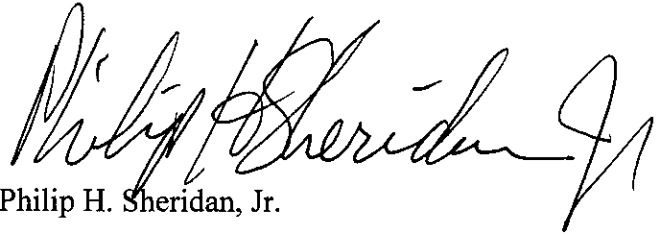
Grievant had received previous discipline for matters management considers as related on November 3, 1999, one day for discourtesy; February 26, 2002, two days for verbal confrontation, profanity, improper or inappropriate remarks, and other, unrelated discipline.

CONTRACT PROVISIONS: Article 19.01-Good cause standard.

AWARD:

I find no evidence of a violation of the performance of duty rule, as grievant was not on duty when the comments were made. Grievant did not "confront" Tpr. Allen in the same manner that he "confronted" her. I find no impropriety in asking why the backup took so long, even if the length of time was reasonable, which it appears to have been. The workplace is not a perfect place, and young people do seem to be more vulgar and less mannerly, but grievant did not challenge her co-worker's manhood, just how he handled a call for backup. The grievance is allowed in its entirety and Tpr. Coyne is to be made whole by paying her for the seven-day suspension, reinstating the three-day suspension to abeyance, and removing the record of this discipline from her record.

Respectfully submitted,

A handwritten signature in black ink, reading "Philip H. Sheridan, Jr." in a cursive style. The signature is written over the printed name.

Philip H. Sheridan, Jr.

November 26, 2002