

#1654 LITA

BENCH DECISION AND AWARD

ARBITRATOR: DAVID PINCUS

HEARING DATE: 5/8/03

GRIEVANT: JAMSHID SABOURI

GRIEVANCE #: 16-11-20020725-008501-14 SI

DEPARTMENT: ODJFS

UNION: OCSEA

MANAGEMENT
ADVOCATE: KEITH NICHOLSUNION
ADVOCATE: SHARON RALPH**ISSUE**

WAS GRIEVANT ISSUED A 3-DAY SUSPENSION
FOR JUST CAUSE?

AWARD

Based on the evidence and testimony adduced at the hearing, and an ~~impartial~~ impartial review of the record, it is the Arbitrator's opinion that the Employer had just cause to suspend the Grievant for three (3) days. His actions constituted a violation of ODJFS Standards of Employee conduct, Rule W2: Threatening, intimidating or coercing another employee or the general public either by action or communication. Here, Nakan's version seems more believable since the Union failed to expose any legitimate animus. His responses were consistent and corroborate prior statements regarding the incident. The Grievant uttered these comments in a manner consistent with the work rule in question. These statements, moreover, appear to be part of a prior pattern exhibited in other job assignments and prior work locations.

ISSUED AT:
DATE:

5/9/03

ARBITRATOR'S
SIGNATURE:
