

Bisesi - 1 Day

VOLUNTARY LABOR ARBITRATION TRIBUNAL

In the Matter of Arbitration *

Between *

EXPEDITED

*
DECISION AND AWARD

OHIO STATE TROOPERS *

ASSOCIATION, INC. *

* Anna DuVal Smith, Arbitrator

* Case No. 15-03-970701-0074-04-01

and *

* Charles D. Bisesi, Grievant

OHIO STATE HIGHWAY PATROL *

Suspension

Hearing

Date of Hearing: May 28, 1998

Place of Hearing: Columbus, Ohio

Advocate for the Ohio State Troopers Association: Herschel Sigall, Esq.

Advocate for the Ohio Highway Patrol: Lt. Robert J. Young

Issue

Was the grievant issued a one day suspension for just cause? If not, what shall the remedy be?

Decision and Award

The case for an improper relationship (4501:2-6-02 I3) is overblown. There is no evidence of any untoward activity, only hearsay and circumstances viewed with suspicion because of that hearsay. For example, the Grievant's use of the unrecorded line is easily explained by his routine use of that line on Union business and his lack of prior knowledge of the nature of the Mansfield Post's business. Transporting DUIs home also turns out to be routine without being deemed "personal business." Going out of one's assigned post to do so may not be routine, but this occurred as the result of the sergeant's last-minute intervention when the Grievant was already close to the county line. The fact that the Grievant knew the suspect from having arrested her on a similar charge

some years ago, subsequently running into her at local establishments, and receiving information on a crime does not, in itself or even in conjunction with other facts of the case, make for the sort of relationship that is implied here. However, an officer of the Grievant's experience knows or should know the importance of not placing himself in a position that puts him or his employer at risk when he can avoid it. The Grievant erred in this regard by his failure to properly document both his time *and* his mileage.

As to leaving his assigned post without authorization (4501:2-6-02 B3), the sergeant knew what was going on and let it occur though he had the opportunity to stop it like he did the involvement of Tpr. Cross. The second part of the charge on this rule is more troublesome, for although the Grievant was out of his area for only approximately 20 minutes (10 minutes each way from the county line), neither the dispatcher nor the other trooper from his post knew where he was and he was not available through the usual communications channels.

In sum, the Grievant was not issued a one-day suspension for just cause. He should have been disciplined only for the procedural errors of not documenting his mileage and not letting his own post know where he was. For these violations he will receive a written reprimand. The one-day suspension will be expunged from his record and he will be paid one day lost wages and benefits and otherwise made whole.

Cuyahoga County, Ohio
June 3, 1998


Anna DuVal Smith, Arbitrator