

1787

BENCH DECISION AND AWARD

Expedited ☐ NTA

ARBITRATOR: WASHINGTON

HEARING DATE: 9/28/04

GRIEVANT: GWEN MURPHY

GRIEVANCE #: 34-27-20030902-057-01-09

DEPARTMENT: BWC

UNION: OCSEA

MANAGEMENT

ADVOCATE: ~~RENEE~~ MARKS LARVONNE

UNION

ADVOCATE:

ISSUE

WAS THE 10 DAY SUSPENSION FOR JUST CAUSE? IF NOT

WHAT SHALL THE REMEDY BE?

AWARD

THE EVIDENCE FAILED TO ESTABLISH THAT THE GRIEVANT ON JULY 17, 2003
 ACCESSED THE 'ANYWHO' WEBSITE TO OBTAIN PERSONAL INFORMATION REGARDING CO-
 WORKERS. MOREOVER, THE EVIDENCE FAILED TO ESTABLISH THAT THE GRIEVANT STORED
 AND/OR SENT VULGAR E-MAILS IN VIOLATION OF RULE(1) [NEGLIGENCE OF DUTY].

THE GRIEVANT ENGAGED WITH OTHERS IN A JOKING MANNER ABOUT ACCESSING THE
 'ANYWHO' WEBSITE AND PARTICIPATED WITH A CO-WORKER IN THE "CRACKHEAD" COMMENT.
 HOWEVER, DUE TO HER LENGTH OF SERVICE, AND THE EMPLOYER'S INABILITY TO PROVE

A VIOLATION OF ALL OF THE CHARGES THE SUSPENSION IS REDUCED TO 3 DAYS.

ISSUED AT: COLUMBUS, OHIO.

DATE: 9-28-04

ARBITRATOR'S

SIGNATURE:

