**OCB AWARD NUMBER: 2147**

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| **SUBJECT:** | **ARB SUMMARY # 2147** |
| **TO:** | **ALL ADVOCATES** |
| **FROM:** | **DAVID LONG** |
| **OCB GRIEVANCE NUMBER:** | **27-31-20100315-0028-01-03** |
| **DEPARTMENT:** | Rehabilitation and Correction |
| **UNION:** | OCSEA |
| **ARBITRATOR:** | Dr. David M. Pincus |
| **GRIEVANT NAME:** | Douglas Korba |
| **MANAGEMENT ADVOCATE:** | Venita White |
| **2ND CHAIR:** | Jackie Milson |
| **UNION ADVOCATE:** | Tim Watson |
| **ARBITRATION DATE:** | April 13, 2011 |
| **DECISION DATE:** | October 26, 2011 |
| **DECISION:** | Denied |
| **CONTRACT SECTIONS:** | Article 1.05—Bargaining Unit Work |
| **OCB RESEARCH CODES:** | 8.611—Bargaining Unit; 117.340—Erosion of Bargaining Unit; 117.345—Working out of Job Classification  |
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**HOLDING: Grievance DENIED. The Arbitrator rejected Union position that a Corrections Officer needed to be assigned as a group escort and found specifically that Corrections Officers do not have exclusive jurisdiction over the escort and supervision of inmates on the landscaping detail outside of the institution.**

The Turf Management program develops the knowledge, skills and abilities necessary for inmates to obtain initial employment in turf management once they transition into society. A portion of this program requires the completion of projects outside the secure perimeter of the prison. The Horticulture Teacher 2 was asked to take a group of inmates to do a project, and asked for an additional escort because of the distance to the site. There were not any officers available to go so another teacher was sent to accompany the inmates.

On March 11, 2010, the Union filed a grievance claiming a violation of Article 1.05, which deals with erosion of the bargaining unit.

The Union arguedthat the Employer’s decision to allow the inmate group to leave without assigning a Correction Officer as escort violated Article 1.05. It argued that inmate security related duties fall within the classification of a Correction Officer. Correction Officers have escorted inmates when they left the institution for security purposes in the past. The elimination of community service posts should not prevent them from performing similar tasks. The Union argued that the Vocation Turf Maintenance Instructor’s position description fails to include a security reference.

The Employer arguedthat it did not violate Article 1.05. A teacher was allowed to escort inmates without any additional custody staff. The teacher was trained to supervise and transport inmates as any other Correction Officer. The Teacher 2 classification specification supports the performance of security duties while escorting inmates in the surrounding community.

The Arbitrator foundthat the Employer did not violate Article 1.05. The Correction Officers did not have exclusive jurisdiction over the escort and supervision of inmates engaged on landscaping detail outside the institution. The Correction Officers do not have unique custodial responsibilities involving security when the Horticultural Teacher 2s can properly exercise those duties as well. Overlapping duties and responsibilities is not eroding the bargaining unit. The grievance is denied.