**OCB AWARD NUMBER: 2216**

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| **SUBJECT:** | **ARB SUMMARY # 2216** |
| **TO:** | **ALL ADVOCATES** |
| **FROM:** | **DAVID LONG** |
| **OCB GRIEVANCE NUMBER:** | **15-03-20120711-0065-04-01** |
| **DEPARTMENT:** | **Ohio Department of Public Safety** |
| **UNION:** | **Ohio State Troopers Association** |
| **ARBITRATOR:** | **E. William Lewis** |
| **GRIEVANT NAME:** | **Alec P. Coil** |
| **MANAGEMENT ADVOCATE:** | **Lt. Kocab** |
| **UNION ADVOCATE:** | **Hershel M. Sigall** |
| **ARBITRATION DATE:** | **7-30-2013** |
| **DECISION DATE:** | **8-12-2013** |
| **DECISION:** | **DENIED**  |
| **CONTRACT SECTIONS:** | **Article 19.01-Standard, Article 19.05-Progressive Discipline** |
| **OCB RESEARCH CODES:** | **Suspensions- In General 118.08** |

**HOLDING: Grievance DENIED. The Employer did not violate Article 19 when it disciplined the Grievant with a five day suspension for leaving a trainee alone along a dark highway with unidentified occupants of a vehicle. The Grievant put the trainee in danger unnecessarily. The Employer’s discipline was not unreasonable.**

The Grievant is an Ohio State Highway Patrol Trooper. During the time in question, the Grievant was accompanied by a trainee. At around 4:00 am, the Grievant clocked two cars traveling at 105 mph. A traffic stop was initiated. Both cars that were speeding pulled over. However, the front car sped away after the troopers made contact with the car directly in front of their police cruiser. The Grievant pursued the car, leaving the trainee with the car that remained. There was a weapon in the car that stayed. After a little less than a half hour, the Grievant returned to the trainee. The Grievant was given a five day suspension for violating rules and regulations in the performance of duty. The Grievant believed that such discipline was unjust and non-progressive.

The Employer claimed that the Grievant put the trainee in a dangerous situation. There is no way to cover every possible scenario during a training course. Thus, field training officers are responsible for their trainees. The Employer had the right to impose a more severe discipline but chose not to. The five day suspension was for just cause and it does not have to be progressive. The Employer asserted that the grievance should be denied.

The Union argued that the Grievant had just two years of service with the Division. That amount of time should not have been enough to become a field training officer. The training that the Grievant received was insufficient. The Grievant had never encountered a situation like this before and was not trained for such a scenario. The Grievant’s only mistake was not requesting assistance from another officer. The Union contended that a five day suspension was unreasonable and that the grievance should be granted.

The Arbitrator found that no violation of Article 19 occurred. The discipline was for just cause. This was the trainee’s first night on patrol. The Grievant left the trainee without identifying the occupants of the stopped vehicle. Dispatch was not made aware that the trainee had been left alone. Although unknown to the troopers, the stopped vehicle did have a weapon in the car. The Arbitrator believed that this was a safety concern. The Grievant put the trainee in danger unnecessarily. Backup could have been called but was not. Leaving a trainee alone along a dark highway is unambiguously dangerous. Therefore, the grievance was denied.