**OCB AWARD NUMBER: 2237**

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| **SUBJECT:** | **ARB SUMMARY # 2237** |
| **TO:** | **ALL ADVOCATES** |
| **FROM:** | **DAVID LONG** |
| **OCB GRIEVANCE NUMBER:** | **27-35-20121205-0312-01-03** |
| **DEPARTMENT:** | **Department of Rehabilitation & Corrections** |
| **UNION:** | **OCSEA** |
| **ARBITRATOR:** | **Craig A. Allen**  |
| **GRIEVANT NAME:** | **Matthew Dandino**  |
| **MANAGEMENT ADVOCATE:** | **Richard B. Shutek** |
| **UNION ADVOCATE:** | **Derek Urban** |
| **ARBITRATION DATE:** | **1-14-2014** |
| **DECISION DATE:** | **2-14-2014** |
| **DECISION:** | **DENIED**  |
| **CONTRACT SECTIONS:** | **Article 24**  |
| **OCB RESEARCH CODES:** | **118.01 Discipline-In General**  |

**HOLDING: Grievance DENIED. CO’s may not run their block as they please. Any note concerning drugs should be reported immediately. Further, the personal relationship the Grievant had with the Inmate was inappropriate. Thus, the Employer had just cause for removal.**

The Grievant was removed for receiving notes from an Inmate without reporting it. During the investigation, the Grievant stated that the he was friends with the Inmate. And he even went so far as to call him “family.” But procedure calls for no relationships between the two positions. During arbitration, however, the Grievant stated that he was not friends with the Inmate. Further, he claimed that the Inmate was not a threat. That decision is not for the Grievant to make. And this was a serious breach of conduct.

The Employer contended that the Grievant’s relationship with the Inmate created a security issue. The Inmate passed notes to the Grievant asking for drugs. In return, the Inmate would pay the Grievant. Another note asked for help. And a third note asked the Grievant to place drugs in a pillow case during a shake down. This shake down occurred. But no drugs were placed in a pillow case. Further, by not reporting the notes, the Grievant displayed favoritism towards this Inmate. The Grievant admitted as much, “He did not want the Inmate to be moved out.”

The Union argued that the Grievant ran his block in accordance with the Employer’s wishes. At one point, the Grievant was well acquainted with the Inmate. But that was in 2004. The notes also suggest that the Inmate and the Grievant were no longer friends. Further, the Grievant reported all three notes after receiving the third note. The shake down that occurred was random and in line with DRC policy. And other CO’s do not report every note they receive. Thus, there was not just cause for a removal

The Arbitrator found that CO’s may not run their block as they please. Any note concerning drugs should be reported immediately. Further, the personal relationship the Grievant had with the Inmate was inappropriate. Thus, the Employer had just cause for removal.