**OCB AWARD NUMBER: 2240**

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| **SUBJECT:** | **ARB SUMMARY # 2240** |
| **TO:** | **ALL ADVOCATES** |
| **FROM:** | **DAVID LONG** |
| **OCB GRIEVANCE NUMBER:** | **15-03-20130627-0055-07-15** |
| **DEPARTMENT:** | **Ohio Department of Public Safety** |
| **UNION:** | **OSTA** |
| **ARBITRATOR:** | **Thomas J. Nowel** |
| **GRIEVANT NAME:** | **Michael K. Ramsey** |
| **MANAGEMENT ADVOCATE:** | **Lt. Cassie Brewster** |
| **UNION ADVOCATE:** | **Elaine Silveira** |
| **ARBITRATION DATE:** | **2-12-2014** |
| **DECISION DATE:** | **2-24-2014** |
| **DECISION:** | **Modified** |
| **CONTRACT SECTIONS:** | **Article 19.01** |
| **OCB RESEARCH CODES:** | **118.08 Suspensions-In General** |

**HOLDING: Grievance MODIFIED. The Grievant’s three-day suspension was reduced to a written reprimand. He determined that the Grievant’s subordinate was a “problem employee.” But during this disciplinary process, the Grievant displayed professionalism and a willingness to improve.**

The Grievant was a Sergeant and the midnight supervisor assigned to the Milan Post on the Ohio Turnpike. On multiple occasions, one of his Troopers engaged in unwarranted excessive speed. This Trooper also spent an inappropriate amount of time on break. The Grievant did not correct these misconducts. So indeed the Grievant was held partially responsible for them, as the Employer issued the Grievant a three-day suspension.

The Employer contended that it was the Grievant’s responsibility to monitor the conduct of his Troopers. The Grievant knew that this particular Trooper had conduct issues. Yet he allowed this Trooper to continue his misbehavior. Specifically, the Grievant failed to properly monitor his subordinate’s time allocation. He also failed to defer these duties.

The Union argued that there was no just cause for a three-day suspension. This Trooper was not a “problem employee”. He was a consistent performer. So when the Grievant checked on this Trooper, the Grievant legitimately believed that he was on his lunch break. The Grievant also properly monitored his subordinates in general. And it was Management whom neglected their duties by improperly training the Grievant. The Union also asserted that the investigation was flawed, as the investigation cherry-picked dates to the detriment of the Grievant.

The Arbitrator found that there was not just cause for a three-day suspension. He determined that the Grievant’s subordinate was a “problem employee.” The Grievant had to track down this Trooper multiple times. And on these specific dates, the Grievant should have diligently monitored him. The Grievant also did not defer these duties. But during this disciplinary process, the Grievant displayed professionalism and a willingness to improve. With this in mind, the Arbitrator reduced the suspension to a written reprimand.