

**BENCH DECISION AND AWARD**☐ NTA

ARBITRATOR: Jack Buettner

HEARING DATE: 9/15/2017

GRIEVANT: Nicholas Sutterluety

GRIEVANCE #: DPS 2017-02606-01

DEPARTMENT: Ohio State Highway Patrol

UNION: Ohio State Troopers Association

MANAGEMENT

ADVOCATE: Lt. Marty Fellure

UNION

ADVOCATE: Elaine N. Silveira

**ISSUE**

Article 16-- Probationary Employees:

Was Trooper Sutterluety a probationary employee at the time of his discharge?

**AWARD**

I find that Trooper Sutterluety completed his probationary period (PP) and that he should be reinstated with back pay and benefits.

He resigned on June 21, 2016, and applied for reinstatement on July 14, 2016, after a 40-day break. The Ohio State Highway Patrol agreed to reinstate Sutterluety. There was no testimony that he was informed that he would need to complete another 365 day PP. Sutterluety stated that he was probationary but this occurred when he still had 107 days left of the original PP to serve. The Grievant did complete the 107 remaining days. Nowhere in the contract does it state that the 365 days must be continuous. Therefore, Trooper Sutterluety was not a probationary employee at the time of his discharge.

ISSUED AT:

DATE: September 15, 2017

ARBITRATOR'S

SIGNATURE: Jack Buettner

FOR DENIED WORKING SUSPENSIONS – Grievant's  
Choice Fine \_\_\_\_\_ OR Leave Reduction (pick one)

Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Comp Time \_\_\_\_\_ .

Grievant's

Signature: \_\_\_\_\_