

OHIO DEPARTMENT OF PUBLIC SAFETY,)
DIVISION OF THE STATE HIGHWAY PATROL)

Grievance of Shaun J. Baskerville
Grievance No.: DPS-2018-01262-15

OHIO STATE TROOPERS ASSOCIATION

Arbitrator Sarah R. Cole

For the Union:

For the Department of Public Safety:

Opinion

Sergeant Shaun J. Baskerville, the Grievant, has been employed by the Department of Public Safety, Ohio State Patrol (OSP) for fourteen years. On April 2, 2018, OSP issued a three-day fine to the Grievant for a violation of Rule 4501:2-6-02(I)(1), for conduct unbecoming an officer, for his unprofessional interaction with another Trooper, Megan Faith, while he was off-duty.

The Grievant and Trooper Faith had worked together and been friends some years ago when they were both troopers at the same post. The Grievant was eventually promoted to a supervisor and, for a period of time, supervised Trooper Faith. The troopers' good working relationship deteriorated after the Grievant was promoted. OSP transferred the Grievant to another post, some distance from where Trooper Faith was posted. Over the next couple of years, Grievant heard from others that Trooper Faith was unhappy with him and complained about him. Grievant did not report these complaints to anyone. In late 2017 or early 2018, he learned that he was going back to a post next to the county where Trooper Faith worked. Coincidentally, he ran into her at a Planet Fitness in Alliance, Ohio on February 1, 2018, in the late morning. Seeing an opportunity to reinstate communications with Trooper Faith, the Grievant decided to write a note on his phone and show it to her while she was jogging on a treadmill. Although the content of the message is in dispute, the Grievant and Trooper Faith agree that the Grievant approached her and held the phone in front of her to read. Neither person said anything during this brief encounter but the experience frightened Trooper Faith. She reported it to the Planet Fitness staff and then to the OSP. After an investigation, which involved interviewing both Trooper Faith and the Grievant, the OSP imposed a three-day fine on the Grievant for conduct unbecoming an officer.


The Grievant's behavior in this situation was unbecoming an officer. While he may have wanted to clear the air between himself and Trooper Faith, the way he went about this, confronting her with a cell phone while she ran on a treadmill, was ill advised. Because there is a dispute as to what was said on the cell phone, and the OSP has the burden of proof, I cannot find that there is sufficient evidence to support Trooper Faith's version of the story. Yet, the Grievant's behavior was sufficiently confrontational and problematic that I find just cause to

issue some discipline in this case. Mitigating the necessity for discipline is that the Grievant's actions occurred off-duty and he is not Trooper Faith's supervisor. Considering these facts, in conjunction with Grievant's adversarial attempt to "resolve" issues with Trooper Faith, I find that the Grievant should receive discipline, but that a three-day fine is not consistent with the egregiousness of the offense. Thus, I reduce the discipline to a one-day fine.

Award

The grievance is granted in part and denied in part. The three-day fine shall be removed from the Grievant's record and replaced with a one-day fine. All back pay, seniority and any other benefits consistent with this award shall be restored.

October 29, 2018


Arbitrator Sarah R. Cole