

**Disclaimer: Please note that this “arbitration decision” was a settlement. As a settlement, it does not have value as precedent. This decision was inadvertently given a number, and is included for the sake of continuity, and for informational purposes only.**

**ARBITRATION DECISION NO.:**

60

**UNION:**

OCSEA, Local 11, AFSCME, AFL-CIO

**EMPLOYER:**

Department of Rehabilitation  
and Correction, Ohio State  
Reformatory

**DATE OF ARBITRATION:**

N/A

**DATE OF DECISION:**

N/A

**GRIEVANT:**

Bobby Minard

**OCB GRIEVANCE NO.:**

G-87-0094

**ARBITRATOR:**

N/A

**FOR THE UNION:**

**FOR THE EMPLOYER:**

Nick G. Menedis

**KEY WORDS:**

Removal  
Abuse

**ARTICLES:**

**Case Synopsis:**

The Grievant is a Corrections Officer at the Ohio State Reformatory who was removed on

December 8, 1986 for alleged abuse of an inmate. He was charged with punching an inmate which is a violation of Department of Rehabilitation and Correction Rule 12(a) which prohibits physical abuse of an inmate.

This case was settled after Step 3 with a resolution that reduced the termination to a 15-day suspension and back pay for the other 2 months when the Grievant had been off work.

**Comments:**

The State of Ohio had a weak case against Grievant. First, he had an unblemished disciplinary record and had worked at the Ohio State Reformatory for a number of years. Secondly, the only evidence against Grievant came from the statements of several inmates. All staff members interviewed backed Grievant's testimony that the incident never occurred. The inmates were given polygraph tests to test the veracity of their statements. There were several discrepancies in the inmates' testimony. Despite these inconsistencies, the officials of OSR chose to remove Grievant. Finally, there was written documentation that the inmate who alleged physical abuse had threatened to "get" the Grievant.

Had this case gone to arbitration, there was a very good chance that Grievant would have been returned to work and made whole. But, because of the time that he had been off, he elected to settle for a 15-day suspension and immediate reinstatement.

**TEXT OF THE SETTLEMENT:**

IN THE MATTER OF ARBITRATION

Between

**State of Ohio**  
**Department of Rehabilitation**  
**and Correction**  
The State

and

**OCSEA, Local 11,**  
**AFSCME AFL-CIO**  
The Union

**Grievance No.:**  
G87-0094  
(OSR-M-346B)

**Settlement Agreement**

The parties above hereby agree to settle grievance number G87-0094 (OSR-M-346B) without prejudice and without precedence to any other grievance between the parties under the following conditions.

1. Grievant Bobby Minard's removal will be converted to a fifteen (15) day suspension and the

penalty points under the Standards of Employee Conduct will be reduced to four (4) points.

2. Grievant Bobby Minard will be returned to the same shift held prior to his removal.
3. Grievant shall be paid all pay and benefits he would have received less the fifteen (15) day suspension and less any unemployment benefits received to date.
4. Grievant shall return to work at the Ohio State Reformatory on March 1, 1987.

For the Union  
Illegible

For the State  
Nick G. Menedis

For the Grievant  
Bobby Minard  
per telephone conversation 2/27/87  
OHIO DEPARTMENT OF REHABILITATION AND CORRECTION  
1050 Freeway Drive North  
Columbus, Ohio 43229

RICHARD F. CELESTE  
GOVERNOR

TO: ERIC DAHLBERG  
SUPERINTENDENT  
OHIO STATE REFORMATORY

FROM: RICHARD P. SEITER  
DIRECTOR

SUBJECT: AUTHORIZATION FOR BACK PAY FOR MR. BOBBY MINARD  
OCB GRIEVANCE NO. G87-0094  
OSR-M-346B

DATE: FEBRUARY 26, 1987

Please be advised that I have authorized a back pay award in the amount of \$1,990.53 for Mr. Bobby Minard. This back pay represents the entire dollar amount required to settle grievance number G87-0094 (OSR-M-346B).

RPS:NGM:fs

