

In the Matter of Arbitration Between the	:	Grievance Number: DPS-2020-02353-14
	:	
OHIO DEPARTMENT OF PUBLIC SAFETY,	:	
	:	Grievant: Vicki L. Gordon-Smith
Employer	:	
and the	:	
	:	Date of Arbitration Hearing:
OHIO CIVIL SERVICE EMPLOYEES	:	June 30, 2021
ASSOCIATION, AMERICAN FEDERATION	:	
OF STATE, COUNTY AND MUNICIPAL	:	
EMPLOYEES, LOCAL 11, AFL-CIO,	:	Howard D. Silver, Esquire
	:	Arbitrator
Union	:	

DECISION AND AWARD OF THE ARBITRATOR

APPEARANCES

For: Ohio Department of Public Safety, Employer

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PROCEDURAL BACKGROUND

This matter came on for a remote arbitration hearing at 9:00 a. m. on June 30, 2021 via the video teleconferencing platform Zoom. During the arbitration hearing both parties were afforded a full and fair opportunity to present evidence and arguments in support of their positions. The hearing concluded at 3:05 p. m. on June 30, 2021 and the evidentiary portion of the arbitration hearing was closed at that time.

The parties filed post-hearing briefs with the arbitrator by August 16, 2021 and the arbitrator exchanged the post-hearing briefs between the parties on August 19, 2021.

This matter proceeds under a collective bargaining agreement in effect between the parties from May 12, 2018 through February 28, 2021, Joint Exhibit 1.

No challenge to the arbitrability of the grievance has been raised. The arbitrator finds the grievance arbitrable and properly before the arbitrator for review and resolution under the language of the parties' collective bargaining agreement.

ISSUE

Did the Employer have just cause to discharge the grievant effective June 19, 2020?

If not, what shall the remedy be?

STATEMENT OF THE CASE

The parties to this arbitration proceeding, the Ohio Department of Public Safety, hereinafter referred to as the Employer, and the Ohio Civil Service Employees Association, American Federation of State, County and Municipal Employees, Local 11, AFL-CIO, hereinafter referred to as the Union,

were parties to a collective bargaining agreement in effect from May 12, 2018 through February 28, 2021, Joint Exhibit 1. The language of the parties' collective bargaining agreement in Article 24, Discipline, in section 24.01, begins: "Disciplinary action shall not be imposed upon an employee except for just cause. The Employer has the burden of proof to establish just cause for any disciplinary action..."

The grievant in this case, Vicki L. Gordon-Smith, began her state of Ohio employment on October 16, 2006 with the Ohio Department of Mental Retardation and Developmental Disabilities where she served for nine years. On May 3, 2015 Ms. Gordon-Smith transferred to an Accountant/ Examiner 4 position within the Ohio Department of Public Safety, Ohio State Highway Patrol (OSHP), serving within the Office of Fiscal Services for five years, eventually serving in a position classified Financial Analyst.

During her fourteen years of public employment by the state of Ohio Ms. Gordon-Smith had received no prior discipline. Ms. Gordon-Smith's prior employment included service with the United States Air Force as a non-commissioned officer (NCO) supply sergeant responsible for running a warehouse. After serving in the Air Force Ms. Gordon-Smith worked for nine years for Greyhound Lines, serving as an administrative assistant, a business administrator, an accounts payable and receivable clerk, and a terminal manager. Ms. Gordon-Smith was promoted three times in her nine years with Greyhound. By 2020 Ms. Gordon-Smith had accumulated over thirty years of experience in fiscal administration.

One of the functions of the Office of Fiscal Services is to pay invoices on behalf of the Ohio State Highway Patrol for a variety of goods and services used in carrying out the mission of the OSHP, including the operation of Patrol posts. These invoices include bulk fuel purchases for use in highway patrolling by Troopers and other uniformed personnel. A very broad range of goods and services are

paid for through fiscal procedures carried out by Financial Analysts and their supervisors employed in the Office of Fiscal Services.

Prior to 2017 invoices were received at a mail desk and distributed. The storage of these invoices then changed to a mainframe computer's T-drive. When this proved to provide inadequate storage, a change was effected in 2018 that utilized an email account, ospfiscal2@dps.ohio.gov , as an inbox in which emails were to be directed with invoices attached. The emails received with invoices attached are then distributed to Financial Analysts for processing.

The change over to an email account inbox for the receipt of invoices to be paid by the OSHP and how the inbox was to be administered was the product of discussions and planning among a number of Fiscal Services staff, including, to a significant degree, Ms. Gordon-Smith. In fact, when the inbox was first opened for business its first primary administrator had been Ms. Gordon-Smith. As other Fiscal Services staff came to be assigned to serve as primary administrator of the email account each was trained on the responsibilities of primary administrator by Ms. Gordon-Smith. At the time of the events that are relevant to this proceeding, the second half of calendar year 2019, the primary administrator of the email account was Samantha Farrell; the secondary administrator had been Ivy B. Caselli; Ms. Gordon-Smith served as the email account's administrator on those occasions when both Ms. Farrell and Ms. Caselli were not present to carry out the duties of account administrator. Ms. Caselli had preceded Ms. Farrell as the email account primary administrator. Ms. Gordon-Smith had preceded Ms. Caselli as primary administrator.

Another change in 2019 in Fiscal Services had been the division of responsibilities among invoices related to bulk fuel purchases. What had been solely the responsibility of Ms. Gordon-Smith was divided, with the larger bulk fuel accounts remaining with Ms. Gordon-Smith and the smaller bulk fuel accounts assigned to primary email account administrator Samantha Farrell for processing. At the

time of this shift in responsibilities Ms. Gordon-Smith had made it known that she did not agree to the division of work that had been ordered and was unhappy with this divide, declaring openly that she either wanted all of the bulk fuel accounts, large and small, assigned to Ms. Gordon-Smith or she would prefer to process none of the bulk fuel accounts. Ms. Gordon-Smith had explained to her supervisor that her preference in this regard was because Ms. Gordon-Smith did not wish to be responsible for the mistakes of others.

In October 2019 the primary administrator of the ospfiscal2@dps.ohio.gov email account inbox, Samantha Farrell, began to suspect that emails expected to be in the email account's inbox were missing. Without an email and its attached invoice the request for payment cannot be processed. Such a circumstance can only serve to delay payment of the invoice. Since the primary administrator is the only person authorized to enter the email account's inbox, any delay in payment based upon missing emails could reflect poorly on the primary administrator. Ms. Farrell continued to find emails missing from the inbox and reported what she had observed in this regard to her supervisor and to the Commander of the Office of Fiscal Services, (then) Staff Lieutenant Matthew Them.

An investigation of the email account was opened on November 7, 2019 by the OSHP's Administrative Investigation Unit, an investigation that was completed on January 16, 2020.

On June 4, 2020, the Superintendent of the Ohio State Highway Patrol, Colonel Richard S. Fambro, mailed to FA Vicki L. Gordon-Smith a letter, Joint Exhibit 3, pages 2-3, notifying Ms. Gordon-Smith that it was being recommended that Ms. Gordon-Smith's employment by the Ohio Department of Public Safety, Ohio State Highway Patrol, be terminated for violating Ohio Department of Public Safety Work Rules. The work rules alleged to have been violated are:

DPS 501.05 – 1.22 – Interfering with, failing to cooperate in, and/or lying in an investigation or inquiry

&

DPS 501.05 – 1.23 Interfering (E) Purposeful or careless act(s) which result in damage, loss, or misuse of State-owned or leased computers, hardware/software, email, internet access/usage

The June 4, 2020 notification letter directed to Ms. Gordon-Smith also included the following:

To wit: it was found that Financial Analyst Gordon-Smith permanently deleted emails from a shared Fiscal Services email account without the authorization to do so. During the administrative investigation, she was untruthful when questioned about the deletion of the files.

The June 4, 2020 notice letter, Joint Exhibit 3, pages 2-3, set June 11, 2020 as the day upon which a pre-disciplinary meeting would be convened.

On June 8, 2020 a revised notice letter, Joint Exhibit 3, pages 4-5, was mailed to Ms. Gordon-Smith, setting the pre-disciplinary meeting for June 18, 2020.

On June 18, 2020, the presiding officer at the June 18, 2020 pre-disciplinary meeting issued his report, finding that just cause existed for discipline.

On June 18, 2020 the Director of the Ohio Department of Public Safety, Thomas J. Stickrath, directed written notice to Ms. Gordon-Smith that, effective immediately upon Ms. Gordon-Smith's receipt of this letter, Ms. Gordon-Smith's employment with the Department of Public Safety, Ohio State Highway Patrol was being terminated. The reason given for this action was Ms. Gordon-Smith's violation of Ohio Department of Public Safety Work Rules DPS-501.05 – 1.22 Interfering with, failing to cooperate in, and/or lying in an official investigation or inquiry, and DPS 501.05 – 1.23 (E) Purposeful or careless act(s) which result in damage, loss, or misuse of State-owned or leased computers, hardware/software, e-mail, internet access/usage.

On June 22, 2020 a formal grievance was filed on behalf of Ms. Gordon-Smith challenging the

discharge of Ms. Gordon-Smith. The grievance alleged that the Employer did not have sufficient just cause for the removal of the grievant and had failed to follow progressive discipline in this case.

The grievance filed on behalf of Ms. Gordon-Smith was reviewed under the parties' grievance procedure but remained unresolved. The grievance was directed on to final and binding arbitration. The grievance was heard before the arbitrator on June 30, 2021. Post-hearing briefs were filed by the parties by August 16, 2021.

SUMMARY OF TESTIMONY

Laura Taylor

Laura Taylor has been employed by the Ohio State Highway Patrol for twenty-eight (28) years and at the time of her testimony had attained the rank of Lieutenant. Lieutenant Taylor's prior assignments have included Post Commander at the New Philadelphia Patrol Post, prior to which (then) Sergeant Taylor served as an Administrative Investigator, prior to which Sergeant Taylor had served as an Investigator.

On November 7, 2019 (then) Sergeant Taylor, while working within the Administrative Investigation Unit, was directed to conduct an investigation into the deletion of emails from a shared email account administered by the Office of Fiscal Services, and investigate whether the deletions had been effected by Vicki Gordon-Smith, a Financial Analyst employed within the Office of Fiscal Services. Sergeant Taylor conducted the investigation as directed and issued her investigative report, Management Exhibit 1, on January 16, 2020.

Within her investigative report at page 1, paginated 34 in Management Exhibit 1, Investigator Taylor explained:

The Office of Fiscal Services utilizes an email account, ospfiscal2@dps.ohio.gov, to which Patrol Posts and vendors send invoices for payment. The email account is set up the same as all email accounts used by the Department of Public Safety and its employees, and contains separate files for the Inbox, Drafts, Sent Items, Deleted Items, and Archive. The retention default for each file is 90 days and can only be changed by IT personnel. The retention default for ospfiscal2@dps.ohio.gov is 180-days. Any email deleted from the Deleted Items file can no longer be accessed or retrieved by the user.

The investigation conducted by Sergeant Taylor included interviews of (then) Staff Lieutenant Matthew Them, Fiscal Services Commander; Samantha Farrell, Financial Analyst, Fiscal Services; Ivy Caselli, Administrative Professional 3, Fiscal Services; Michele Flanery, Financial Analyst Supervisor, Fiscal Services; Lori Click, Financial Analyst Supervisor, Fiscal Services; and Vicki Gordon-Smith, Financial Analyst, Fiscal Services. Ms. Gordon-Smith was interviewed by Sergeant Taylor on December 2, 2019 with a Union representative in attendance. Pamela Hibbs, Senior Financial Analyst (retired), had also been interviewed.

The investigation conducted by Sergeant Taylor included second interviews of Financial Analyst Supervisor Lori Click, Financial Analyst Supervisor Michele Flanery, Administrative Professional 3 Ivy Caselli, and Financial Analyst Vicki Gordon-Smith, with the second interview of Ms. Gordon-Smith occurring on January 15, 2020.

Attached to the investigative report issued by Sergeant Taylor on January 16, 2020 were emails from the IT Department indicating that Ms. Gordon-Smith had deleted emails from the email account through the computer terminal assigned to Ms. Gordon-Smith. Also attached was a listing of the emails deleted by Ms. Gordon-Smith, instructions for processing the email inbox, and a chart showing when the emails had been deleted.

Lieutenant Taylor recalled in her testimony at the hearing that when it was noticed by a number of fiscal section staff that emails were missing from the email account in which they had been

expected to be found, Commander Them of the Office of Fiscal Services had asked Ms. Gordon-Smith whether she had been in the email account, to which Ms. Gordon-Smith had responded that she had not. Like a number of staff members, the primary administrator of the email account, Ms. Farrell, could not figure out how hundreds of emails had been missing. She and other staff in Fiscal Services had been trained by Ms. Gordon-Smith on how the email account was to be administered. Those trained by Ms. Gordon-Smith on the administration of the email account included Ms. Farrell and Ms. Caselli. All staff in Fiscal Services who had been trained on the email account had been advised that they were not to delete any messages in the account, only record each email received. Lieutenant Taylor explained that Ms. Click had been the original administrator of the email account and these duties had subsequently been assigned to Ms. Farrell.

Lieutenant Taylor testified that in 2019 it had been determined to split up responsibility for bulk fuel accounts served by the email account, with Ms. Farrell assigned administrative responsibility for three smaller bulk fuel accounts and Ms. Gordon-Smith assigned administrative responsibility for the two larger bulk fuel accounts. It became apparent that Ms. Gordon-Smith had not been in favor of this division of responsibilities, telling her supervisor that she, Ms. Gordon-Smith, would prefer to be responsible for all of the bulk fuel accounts or responsible for none of the bulk accounts. When the reorganization of administering the bulk accounts was implemented notwithstanding Ms. Gordon-Smith's expressed preferences, staff members observed the displeasure expressed by Ms. Gordon-Smith with the reorganization. Lieutenant Taylor stated that the change in bulk fuel accounts administration produced tension between Ms. Gordon-Smith and Ms. Farrell, the email account's primary administrator.

When a listing of the deleted emails was shown to Ms. Gordon-Smith, Ms. Gordon-Smith stated that she had accessed the email account but only the folder containing deleted items. Ms. Gordon-

Smith had said that she had been assigned by Ms. Flanery to clean out the email account every ninety (90) days, a claim strenuously denied by Ms. Flanery who testified that she never instructed Ms. Gordon-Smith to clean out the email account. Lieutenant Taylor pointed out that the deleted items folder is the only copy of the item in the email account and when deleted from the deleted folder, no copy of the email remains.

Under questioning by the Union representative, Lieutenant Taylor stated that emails directed to the email account in question would have invoices attached to them. Depending on the origin of the invoice, the invoice would be directed to a particular Financial Analyst for processing. The email account's primary administrator would print out the emails and invoices received, and direct them to various Financial Analysts for processing. After directing an email with its attached invoice to a Financial Analyst, the email and invoice received would be directed to a folder containing deleted items where they would remain for the next six months.

Lieutenant Taylor identified Joint Exhibit 5 as a print out of the emails and invoices that had been deleted through Ms. Gordon-Smith's computer in Fiscal Services. While this listing presents when the deletions of these emails and invoices occurred, it does not present when each email and invoice had been received. Lieutenant Taylor agreed that without a received date one cannot calculate when the deletion of the item was supposed to have occurred. Lieutenant Taylor confirmed that the last deletion is listed as having occurred on September 30, 2019. The deletions presented in Joint Exhibit 5 begin on July 22, 2019 and conclude on September 30, 2019.

Lieutenant Taylor testified that the email account's primary administrator, Samantha Farrell, told Lieutenant Taylor that when the emails were discovered to be missing from the email account, Ms. Farrell had come to believe that "... someone was out to get me."

Lieutenant Taylor noted that emails had been found to have been deleted by Ms. Gordon-Smith

when Ms. Gordon-Smith had not been the email account's primary administrator, at a time when Ms. Gordon-Smith had had reason to know she did not have the authority needed to delete files from the email account's inbox or to be in the email account's inbox. When asked about this circumstance, Ms. Gordon-Smith stated that she had been responsible for administering the account.

Lieutenant Taylor stated that the emails in the email account were printed out and assigned to Financial Analysts for further action. The system had an automatic purge feature, moving emails with sufficient time in the account to a deleted folder.

Lieutenant Taylor explained that the OSP Fiscal 2 account provides an inbox for invoices to be paid through the Office of Fiscal Services, with Samantha Farrell serving as the primary administrator of this email account. Ivy Caselli serves as the secondary (back up) administrator of this email account, with Vicki Gordon-Smith serving as a back up to the back up administrator in the absence of both Ms. Farrell and Ms. Caselli.

Under re-direct examination by the Employer's representative, Lieutenant Taylor recalled that during Ms. Gordon-Smith's initial interview she had denied entering the email account. Subsequently Ms. Gordon-Smith said that she had entered the email account but only to carry out the directions of Michele Flanery to the effect that Ms. Gordon-Smith delete all emails that were more than ninety (90) days old. Supervisor Flanery denies ever directing Ms. Gordon-Smith to delete emails from the email account, pointing out that there is an automatic purge system built into the account and no one is assigned or authorized to purge emails from this account manually. Lieutenant Taylor testified that emails from the account are not deleted after ninety (90) days and are not to be deleted manually after ninety (90) days.

Samantha Farrell

Samantha Farrell has worked for the Ohio State Highway Patrol for three years. Ms. Farrell serves as a Financial Analyst in the Office of Fiscal Services and her assigned duties include serving as primary administrator of the OSP Fiscal 2 email account. As primary administrator of this email account Ms. Farrell manages the inbox which receives emails and attached invoices. Ms. Farrell stated that by August 2019 she had become primary administrator of the email account; Ms. Caselli had served as the secondary administrator of the email account; Ms. Gordon-Smith backed up Ms. Caselli. Ms. Farrell noted that in prior years Ms. Gordon-Smith had served as the primary administrator of the email account.

Ms. Farrell recalled that on September 30, 2019 she had been monitoring the email account's inbox and found that at least ten emails expected to be in the inbox were not, and all were found to be missing within a thirty-day period. Ms. Farrell recalled going into the deleted folder and finding all except one of the missing emails. Ms. Farrell recalled thinking at the time that some kind of anomaly had occurred as there was no way ten separate emails could have mistakenly found their way to the deleted folder. Ms. Farrell reported what she had observed to her supervisor, Financial Analyst Supervisor Lori Click. Ms. Farrell testified that she had known what she had done in the email account's inbox and she knew she had not moved ten emails to the deleted folder. Ms. Farrell stated that several days went by without any abnormality in the email account.

Ms. Farrell recalled hearing Ms. Gordon-Smith express her displeasure about the reorganization of the administrative responsibilities for bulk fuel accounts. Ms. Farrell recalled that Ms. Farrell had been trained by Ms. Gordon-Smith in administering the email account at a time when Ms. Gordon-Smith had been responsible for all bulk fuel accounts. The reorganization of the bulk fuel accounts, that occurred after Ms. Gordon-Smith had completed her training of Ms. Farrell on the email account, had

left Ms. Gordon-Smith with the two larger bulk fuel accounts, and assigned the smaller bulk fuel accounts to Ms. Farrell. Ms. Gordon-Smith was heard by Ms. Farrell to say that she, Ms. Gordon-Smith, preferred to have all of the bulk fuel accounts assigned to her or none of the bulk fuel accounts assigned to her.

On October 3, 2019 Ms. Farrell found that all of the bulk fuel account invoices assigned to Ms. Farrell had been removed from the top of Ms. Farrell's desk in Fiscal Services. Ms. Farrell observed these documents on Ms. Gordon-Smith's desk in Fiscal Services. Later that day Financial Analyst Supervisor Lori Click observed the documents that had formerly been on Ms. Farrell's desk to be located on the top of Ms. Gordon-Smith's desk. When Supervisor Click asked Ms. Gordon-Smith why work assigned to Ms. Farrell had been moved to Ms. Gordon-Smith's desk, Ms. Gordon-Smith had said to Supervisor Click: "I didn't agree to that." Ms. Gordon-Smith made known to Supervisor Click that Ms. Gordon-Smith was not about to assume responsibility for mistakes in another's work product. Ms. Gordon-Smith alluded to mistakes in prior payments.

On October 4, 2019 Ms. Farrell found on her desk in Fiscal Services all of the bulk fuel account invoices, large bulk fuel accounts and smaller bulk fuel accounts. Ms. Farrell stated that in examining these invoices she found that a number had been missing since October 1, 2019.

Commander Them of the Office of Fiscal Services contacted Ms. Farrell and mentioned that he had heard there were some difficulties in the OSP Fiscal 2 email account. Financial Analyst Farrell briefed Commander Them on what she had observed to have occurred in the email account and said that she felt as if someone were setting her up

Under questioning by the Union representative, Ms. Farrell confirmed that as primary administrator of the email account, she assigned invoices among seven (7) Financial Analysts for processing.

Ivy B. Caselli

Ivy B. Caselli has been employed by the Ohio State Highway Patrol for three years and three months. Ms. Caselli presently serves in a position classified Administrative Professional 3.

Ms. Caselli recalled that in the summer of 2018 Ms. Gordon-Smith was training Ms. Caselli to serve as primary administrator of the OSP Fiscal 2 email account. Ms. Caselli recalled that Ms. Gordon-Smith was the primary administrator of the account at that time and was reluctantly training Ms. Caselli on a responsibility then assigned to Ms. Gordon-Smith for the purpose of Ms. Caselli taking over that responsibility, an assignment that Ms. Gordon-Smith had no desire to relinquish.

Ms. Caselli recalled in her testimony that after Ms. Caselli had assumed the role of primary administrator of the email account, Ms. Gordon-Smith had become very vocal about any mistake that occurred in that account. Ms. Caselli recalled that when emails were discovered missing from the email account Ms. Caselli overheard Ms. Gordon-Smith raising the issue with others in the section and accusing Ms. Caselli of incompetency. Ms. Caselli stated that the missing emails were subsequently discovered in the delete folder. Ms. Caselli recalled that during her training by Ms. Gordon-Smith, Ms. Caselli was directed by Ms. Gordon-Smith to never delete anything from the delete folder. Ms. Caselli testified that at no time did she manually delete anything from the email account.

Ms. Caselli stated that after Ms. Farrell had been assigned the responsibility of primary administrator of the email account, with Ms. Caselli serving as the secondary primary administrator, and Ms. Gordon-Smith appointed as the third administrator, Ms. Farrell reported the missing emails. Ms. Caselli noted that if the listed deleted emails are examined for date and time of each deletion, it can be seen the deletion occurred at times prior to the beginning of the assigned work shifts of Ms. Farrell and Ms. Caselli.

Ms. Caselli stated unequivocally that there was no reason for anyone to delete emails manually

from the inbox of the email account. The delay in processing those emails and invoices deleted from the email account served to make the primary administrator of the email account look bad.

Michele Flanery

Michele Flanery has been employed by the Ohio State Highway Patrol since January 1986. At the time of her testimony in this case Ms. Flanery was serving as a Financial Analyst Supervisor. Ms. Flanery served within the Office of Fiscal Services when Ms. Gordon-Smith had been employed in the Office of Fiscal Services.

Ms. Flanery explained that the system used to received invoices for payment changed from a mail desk serving as the receptacle for the submissions, to an email address. Ms. Flanery recalled that Ms. Gordon-Smith had been the primary administrator of the email address from its inception until the arrival of Ivy Caselli who was trained by Ms. Gordon-Smith in the duties of primary administrator of the email account and who then supplanted Ms. Gordon-Smith as primary administrator of that account.

Ms. Flanery recalled a change that was effected as to the processing of bulk fuel accounts. After this change had gone into effect, Ms. Gordon-Smith began accusing Ms. Farrell, the primary administrator of the email account at that time and the Financial Analyst assigned the smaller bulk fuel accounts for processing, that Ms. Gordon-Smith had wanted to retain, of making mistakes through completing procedures improperly.

Ms. Flanery stated that the email account has an automatic purge function that deletes emails that have been in the email account for 180 days. Ms. Flanery specifically denied ever telling anyone that emails in the account should be deleted after 90 days.

Under questioning by the Union representative, Ms. Flanery confirmed that at one time the

retention of the emails in the account had been ninety (90) days but this timeline had been extended to 180 days. Ms. Flanery explained that if an email exceeded ninety (90) days at the time ninety (90) days was the retention period, it would have meant the invoice would have had to be resent. This remains true today if the email exceeds 180 days.

Ms. Flanery testified that there had been no need or reason for Ms. Gordon-Smith to “clean out” the email account.

Matthew Them

Matthew Them has been employed by the Ohio State Highway Patrol for seventeen (17) years and has attained the rank of Captain. Captain Them serves as the Commander of the Office of Fiscal Services, responsible for finances and logistics of the OSHP.

Captain Them's prior service includes Trooper, Sergeant at the Marion Post, Lieutenant and Post Commander of the Mansfield Post, and now Commander of Fiscal Services.

Captain Them recalled that he had been advised by Samantha Farrell that emails in the OSP Fiscal 2 email account were being deleted by an as yet unknown person and Ms. Farrell believed that the deletions were occurring to make Ms. Farrell appear incompetent as the primary administrator of this email account. Ms. Farrell explained to (then) Staff Lieutenant Them that this email account receives 30,000 to 40,000 emails with invoices attached in a year.

Captain Them recalled talking to Ms. Gordon-Smith after talking to Ms. Farrell. Staff Lieutenant Them raised the issue of Ms. Gordon-Smith speaking to coworkers and supervisors in an unprofessional manner. Ms. Gordon-Smith told Lieutenant Them that supervisors were telling Ms. Gordon-Smith what to do but Ms. Gordon-Smith had never agreed to their directions. Ms. Gordon-Smith did agree and confirm to Captain Them that Ms. Gordon-Smith would not enter the email

account unless Ms. Farrell and Ms. Caselli were not present.

Captain Them identified Joint Exhibit 5 as the report he received on the emails deleted from the email account. The farthest back this report goes is July 22, 2019. Captain Them said that some of the deleted emails were from the inbox; some of the emails in the sent file had been deleted, making Captain Them wonder whether a cover up was being implemented. Captain Them stated that there had never been a reason to manually purge the deleted folder. Captain Them testified that the missing emails caused a significant negative impact. Captain Them testified that Ms. Gordon-Smith had originally denied entering the email account's inbox or the deleted folder therein. When deletions began appearing, Ms. Gordon-Smith began directing blame at co-workers for their incompetence in managing the email account.

Under questioning by the Union representative, Captain Them stated that he had talked to Ms. Farrell about the email account prior to November 7, 2019. Captain Them confirmed that when he talked to Ms. Gordon-Smith about the email account, no Union representative had been present.

Captain Them was asked if any invoices had been delayed in payment due to the deleted emails. Captain Them stated that without access to the email it cannot be proven that the email was ever received. Captain Them does recall, however, a high volume of telephone calls directed to the Office of Fiscal Services about invoices that had remained unpaid.

Captain Them testified that he had heard Ms. Gordon-Smith speak negatively about Ms. Farrell and Ms. Caselli, describing them as unable to do their jobs. Captain Them said that Ms. Gordon-Smith at no time had been reticent about expressing her negative opinions about other employees.

Cassandra Brewster

Cassandra Brewster has been employed by the Ohio State Highway Patrol for twenty-seven (27)

years and has attained the rank of Captain. Captain Brewster is the Executive Officer responsible for Personnel and has served in this capacity for two years. Captain Brewster is responsible for OSHP's Human Resources Department that includes Labor Relations and Testing. Captain Brewster has served in human resources and labor relations since 2013.

Captain Brewster testified that she recommended the discharge of Ms. Gordon-Smith because she found Ms. Gordon-Smith to have been untruthful, untrustworthy, and actively engaged in a betrayal of co-workers by intentionally and maliciously making them look bad. Captain Brewster testified that the actions of Ms. Gordon-Smith impacted the reputation of the OSHP in relation to paying invoices promptly and efficiently.

Under questioning by the Union representative, Captain Brewster stated that Ms. Gordon-Smith had been untruthful about being instructed to delete mails from the email account after ninety (90) days. Everyone who had been trained on the administration of the email account had been trained by Ms. Gordon-Smith, and in every case each trainee had been directed that she was not to delete emails from the email account after ninety days, with this instruction coming from Ms. Gordon-Smith as part of the training provided by Ms. Gordon-Smith.

Barbara Lawler

Barbara Lawler has worked for the Ohio State Highway Patrol for twenty-one (21) years. Ms. Lawler has served as a Financial Analyst for fifteen (15) years and has served within the Office of Fiscal Services for a total of eighteen (18) years. Ms. Lawler has been actively engaged in processing invoices on behalf of the OSHP for fifteen (15) years.

Ms. Lawler testified that she has never served as primary administrator to the email account receiving invoices and therefore has never had access to the email account's inbox.

Ms. Lawler said that the morale in the Office of Fiscal Services in her section had not been positive. She found the atmosphere to be contentious and had not found the situation to have been improved by Ms. Gordon-Smith's departure. Ms. Lawler acknowledged that Ms. Gordon-Smith had never been the warm and fuzzy type, but Ms. Lawler found Ms. Gordon-Smith to have been helpful to everyone in the section.

LaDonne Fullen

LaDonne Fullen has been working as a Financial Analyst for over twenty (20) years and has been employed by the Ohio State Highway Patrol for thirty-one (31) years. Ms. Fullen recalled working for many years with Ms. Gordon-Smith, finding her interactions with Ms. Gordon-Smith to have been pleasant, very helpful, and especially effective in the context of training.

Vicki L. Gordon-Smith

The grievant in this case, Vicki L. Gordon-Smith, was employed as a Financial Analyst in the Office of Fiscal Services at the time of her removal. Ms. Gordon-Smith had worked for five (5) years in the Office of Fiscal Services of the Ohio State Highway Patrol. Prior employment over the previous nine (9) years had been with the Ohio Department of Mental Retardation and Developmental Disabilities.

Ms. Gordon-Smith had served as a Supply Sergeant in the United States Air Force responsible for operating a warehouse. Upon leaving active military service Ms. Gordon-Smith worked for nine (9) years for Greyhound Lines, being promoted three times during her tenure there. With Greyhound Lines Ms. Gordon-Smith served as the administrative assistant to the district manager, as a business administrator, and as a terminal manager. Ms. Gordon-Smith has accumulated more than thirty years of fiscal administration experience and has been providing training in this area for the last twenty years.

Ms. Gordon-Smith confirmed in her testimony at the arbitration hearing that she had deleted emails from the email account because the storage for the account, the T-drive, had become overloaded. Ms. Gordon-Smith testified that she had voluntarily performed this function, that is, deleting older files from the email account, and said she was the only employee authorized to perform this function.

Ms. Gordon-Smith recalled that when the system had switched over to an email inbox the retention schedule had been set at ninety (90) days and was subsequently adjusted to 180 days. Ms. Gordon-Smith stated that she would perform her email deletions once per month as needed. Ms. Gordon-Smith testified that she had discussed this function with Michele Flanery in May 2019. Ms. Gordon-Smith explained that she had performed this as a preventative maintenance measure and had had no intention of making anyone look bad. Ms. Gordon-Smith denied that anyone at any time had instructed Ms. Gordon-Smith to stay out of the email account's inbox.

Ms. Gordon-Smith testified that she had been truthful in her interviews about the email account and had not been engaged in covering anything up. Ms. Gordon-Smith testified that she never told anyone at any time that she had not been in the email account's inbox. Ms. Gordon-Smith testified that at no time did she deny deleting emails from the email account.

POSITIONS OF THE PARTIES

Position of the Ohio Department of Public Safety, Employer

The Employer notes that Ms. Gordon-Smith was hired by the Ohio Department of Public Safety as an Accountant/Examiner 4 on May 5, 2015. Effective July 26, 2015 Ms. Gordon-Smith's position was reclassified Senior Financial Analyst. Effective October 29, 2015 Ms. Gordon-Smith was demoted to Financial Analyst. See Joint Exhibit 4.

The Employer notes that it directed that an administrative investigation be conducted

concerning missing emails in the inbox for the ospfiscal2@dps.ohio.gov email account. The investigation was conducted from November 7, 2019 through January 16, 2020. Effective June 20, 2020 the Employer ordered the termination of the employment of Ms. Gordon-Smith. As stated in the Employer's post-hearing brief at page 2:

Through Administrative Investigation (AI) 2019-10456, it was found Ms. Gordon-Smith permanently deleted emails from the shared Fiscal Services email account without having the authorization to do so. During the AI, she was untruthful when questioned about the deletion of the files.

The Employer notes that prior to the email account now employed for the receipt of invoices, the emails and invoices had been stored in a mainframe computer. Due to the volume of invoices being stored on the mainframe the system became “bogged down” and a change over to the email inbox was planned and implemented with the full participation of Ms. Gordon-Smith.

The Employer notes that Ms. Gordon-Smith had not only actively participated in the planning and implementation of the new email account but served as its initial primary administrator. Later, through the cross-training of co-workers Ms. Gordon-Smith provided up to date, authoritative, and reliable information, and training on the procedures and protocols that apply to the email account. The Employer notes that by August 2019 and thereafter it had been well known that the primary administrator of the email account was Samantha Farrell, the secondary administrator was Ivy Caselli, and Ms. Gordon-Smith served as a second back up, authorized to enter the email account's inbox only in the absence of Ms. Farrell and Ms. Caselli.

The Employer contends that during the events in question the grievant had had no authority to enter the email account's inbox and had had no legitimate reason to delete files therein. The Employer emphasizes that Ms. Gordon-Smith had been fully aware of who the primary administrator of the email

account had been and had been fully knowledgeable about the circumstances that must be present for Ms. Gordon-Smith to act with the authority of the account's administrator.

The Employer reminds the arbitrator that the email account already had an automatic purging function that was triggered only when an email had been in the system for 180 days. The Employer confirms that at one time the retention schedule had specified ninety (90) days but it had been changed to 180 days shortly after the email account had been opened. The Employer claims that this was well-known to the grievant when she commenced deleting emails after ninety (90) days. The Employer also claims that the grievant had been well aware that manually deleting emails from the account was not an activity anyone had been authorized to carry out.

The Employer refers to the testimony of Captain Them wherein he recalled his conversation with Ms. Gordon-Smith during which Ms. Gordon-Smith denied entering the email account's inbox. Later, when an investigation indicated that the email deletions had occurred through Ms. Gordon-Smith's computer, Ms. Gordon-Smith claimed that she had been directed to delete emails after ninety (90) days.

The Employer points out that only a very few emails that were over ninety (90) days old were deleted by Ms. Gordon-Smith. The Employer wonders why the other 6,433 emails older than ninety (90) days were left untouched. The Employer concludes that Ms. Gordon-Smith had received no instruction to delete any emails from the account under any circumstance but did so for a reason that had nothing to do with the legitimate administration of the account. The Employer contends that the grievant knew she had had no authority to delete anything from the account but did so anyway, and did so for a purpose that was not legitimate. The Employer suspects that deleted emails were “cherry-picked” by the grievant for a particular effect, to portray a co-worker as incompetent. The Employer also argues that when asked about her actions Ms. Gordon-Smith had been untruthful in her initial

responses about whether she had been in the email account and had been untruthful in her later responses wherein she claimed that she had been directed to do as she had done, manually delete emails after ninety (90) days, by Ms. Flanery.

The Employer points to the listing of deleted emails that were accomplished through Ms. Gordon-Smith's computer, showing the grievant to have accessed the email account on 11 separate occasions from July 22, 2019 through September 30, 2019 but telling Commander Them that she had not been in the email account. The Employer argues that the grievant was also untruthful when she claimed that Michele Flanery had instructed her to delete emails from the account. Ms. Flanery in this proceeding has unequivocally denied ever directing such an instruction to the grievant or anyone else.

The Employer argues that the grievant had been deeply unhappy with some of the work assignments made to her and her co-workers, assignments that removed certain responsibilities from Ms. Gordon-Smith that Ms. Gordon-Smith had wished to retain. When these duties were assigned to others, the Employer argues that Ms. Gordon-Smith acted outside her authority to manipulate the email account to show Ms. Caselli and Ms. Farrell in a poor light. The Employer argues that when Ms. Gordon-Smith's actions were uncovered she refused to admit to them, continuing to claim that Ms. Flanery had instructed her to act as she did.

The Employer argues that the hearing record contains more than a preponderance of evidence proving that the grievant violated Department of Public Safety Work Rules 501.05 1.22 Interfering with, failing to cooperate in, and/or lying in an official investigation or inquiry, and 501.05 1.23(E) Purposeful or careless act(s) which result in damage, loss, or misuse of State-owned or leased computers, hardware/software, email, internet access/usage. The Employer contends that the grievant made a series of conscious choices calculated to make job duties assigned to her co-workers more difficult to accomplish, resulting in making her co-workers look bad. The Employer claims that a

preponderance of the evidence in the hearing record shows that the grievant attempted to cover up her misbehavior by being untruthful.

The Employer argues that the hearing record contains clear and convincing evidence that the Employer possessed just cause to discharge the grievant effective June 20, 2020 for her failures of good behavior proven in the hearing record.

The arbitrator is urged by the Employer to deny the grievance in its entirety based upon the Employer having proven it possessed sufficient just cause to discharge the grievant effective June 20, 2020.

Position of the Ohio Civil Service Employees Association, AFSCME, Local 11, AFL-CIO, Union

The Union points out that at the time of the removal of the grievant Ms. Gordon-Smith had accumulated a total of fourteen (14) years of state service. Ms. Gordon-Smith had begun her service as a State of Ohio employee in October 2006 at the Ohio Department of Mental Retardation and Developmental Disabilities as an Office Assistant 3. On May 3, 2015 Ms. Gordon-Smith assumed the position of Accountant/Examiner 4 within the Ohio Department of Public Safety, Ohio State Highway Patrol.

The Union reminds the arbitrator that the grievant had received no prior discipline. The Union argues that the discipline imposed in this case is not proportionate to the seriousness of the offense charged. Ms. Gordon-Smith's service in the United States Air Force is referenced, as is Ms. Gordon-Smith's employment by Greyhound. The Union contends that the work history of the grievant shows the grievant to have been taught to be firm, supportive, and trustworthy. The grievant had for many years been actively engaged in training new employees, aiding other units, and participating directly in planning the email account and the procedures to be followed in administering that account.

The Union confirmed that Ms. Gordon-Smith has admitted deleting emails from the email account but did so to keep the mailbox from getting bogged down. The Union points out that the emails deleted by Ms. Gordon-Smith would have been permanently deleted anyway.

The Union notes that while the grievant may have deleted emails from the account that were less than ninety (90) days old, there has been no proof that any invoice had been delayed in payment. In the absence of such a delay, argues the Union, no harm has resulted to the agency or to any vendor. As argued by the Union at page 2 of its post-hearing brief: "... someone with 14 years of State employment with no discipline history should have never been removed for taking out the trash!"

The Union denies that the grievant lied during her investigative interview.

The Union points out that on June 18, 2020 the pre-disciplinary meeting officer issued his report and his finding of just cause; on June 18, 2020 a letter was directed to the Director of the Ohio Department of Public Safety advising the Director of the outcome of the pre-disciplinary meeting, and on June 18, 2020 a notice of removal was mailed to the grievant. The Union does not find the aforementioned chronology of events to reflect the true essence of the pre-disciplinary meeting process.

The Union notes that while the Employer describes the grievant as untrustworthy, no action to separate Ms. Gordon-Smith from the workplace occurred until eight months had elapsed from the time the deleted emails were noticed. The Union wonders, if the grievant was such a danger to the operations of the Department, why wasn't immediate action ordered?

The Union contends the grievant was discharged because she had not been a member of her division's "in" crowd. The Union claims that Ms. Gordon-Smith's dedication to performing her work properly and efficiently led her to delete the emails in question.

The Union poses the question of whether the grievant violated a policy by deleting the emails, and then answers this question by responding "maybe." The Union notes that written procedures were

not developed until after the initiation of the administrative investigation. The Union points out that while dates of deletion of emails were provided, no dates of receipt of the emails were provided.

While the Union concedes that the grievant has admitted deleting the emails prior to what had been set in the system's retention function (180 days), the Union points out that the Employer has failed to substantiate any harm to the agency arising from these actions by the grievant, with no harm shown to have been suffered by vendors. The Union claims that instead, the Employer offers a slanted and subjective investigation grounded in opinions not facts. The Union argues that the evidence provided by the Employer in this case fails to show the removal of the grievant to have been warranted.

The arbitrator is urged to sustain the grievance, order the grievant reinstated to her former employment in a Financial Analyst position effective June 19, 2020, and make the grievant whole by ordering full back pay, compensation for missed overtime opportunities, seniority credits, union dues, unpaid medical expenses, and retirement contributions.

DISCUSSION

The ultimate issue to be decided by the arbitrator in this case is whether the Employer possessed just cause to remove the grievant from her employment effective June 19, 2020. As expressed in Article 24 of the parties' collective bargaining agreement, the burden of proving the Employer possessed the just cause needed to discharge the grievant must be carried by the Employer if the removal is to be upheld.

The Employer in its notice letters to the grievant specified the reasons for the discharge, namely the violation of two work rules, one rule prohibiting interfering with, or failing to cooperate with, or lying in an investigation or inquiry, and the other rule prohibiting a purposeful or careless act that results in damage, loss, or misuse of State-owned or leased computers, hardware/software, email,

and/or internet access/usage. In particular the notice of removal directed to the grievant alleged that Ms. Gordon-Smith had permanently deleted emails from a shared Office of Fiscal Services email account without authorization to do so. It is further charged in the order of removal that during the investigation conducted by the Employer into the deleted emails Ms. Gordon-Smith had been untruthful when questioned about the deletions.

There are a number of issues in this case that are disputed by the parties. What is undisputed between the parties, however, is the experience, knowledge, and competence of the grievant in carrying out the fiscal policies and procedures established by the Employer. Whatever else the parties disagree about in this case, both parties acknowledge the very high skill set and sophistication brought to bear by the grievant in addressing and carrying out fiscal administrative responsibilities. There is no doubt in the mind of the arbitrator that during all of the events relevant to this proceeding Ms. Gordon-Smith had been fully aware and knowledgeable of policies and procedures associated with the ospfiscal2 email account. Ms. Gordon-Smith was not only familiar with these policies and procedures but had served as a primary conduit of training for co-workers on the policies and procedures associated with the ospfiscal2 email account. This finding is significant because it eliminates as reasons for the actions of the grievant inexperience, lack of training, lack of familiarity with fiscal systems, policies, and procedures, or any act resulting from negligence, indifference, or oversight. The actions of the grievant were not the result of a lack of control.

The two work rules alleged by the Employer to have been violated by the grievant address the grievant's truthfulness during the investigation of the events in question, and whether State-owned or leased computers, software/hardware, email, and/or internet access/usage had been misused by the grievant.

The hearing record contains a preponderance of evidence, amounting to clear and convincing

evidence, substantiating that as early as July 22, 2019 and extending to September 30, 2019 Ms. Gordon-Smith deleted 339 emails from the ospfiscal2 email account, with twenty-two (22) emails deleted from the inbox and 317 emails deleted from the trash (deleted) folder. See Joint Exhibit 5, Attachment B. The time period in which these deletions by Ms. Gordon-Smith occurred spanned from a time when Ms. Caselli had served as primary administrator of the ospfiscal2 email account to the tenure of Ms. Farrell as primary administrator of this email account. Ms. Gordon-Smith has since admitted executing these deletions but failed to make this disclosure in her conversation with Commander Them when Ms. Gordon-Smith had been asked about the deleted emails. Commander Them recalled in his testimony at the hearing in this case that he was informed by Ms. Gordon-Smith that she had not entered the email account's inbox and had had no reason to do so. During this conversation Commander Them had been assured by Ms. Gordon-Smith that unless she had reason to serve as administrator of the email account due to the absence of Ms. Farrell and Ms. Caselli, she would steer clear of the email's inbox.

When the Information Technology (IT) Division of the Ohio Department of Public Safety looked into the ospfiscal2 email account and found that 339 emails had been deleted through Ms. Gordon-Smith's computer in the Office of Fiscal Services, Ms. Gordon-Smith stopped asserting that she had not entered the email account's inbox but instead provided as a reason for her actions work direction received from Financial Analyst Supervisor Michele Flanery. Ms. Gordon-Smith has explained that she was directed by Ms. Flanery to enter the email account's inbox and delete those emails and attached invoices that had been in the email account for ninety (90) days. Ms. Gordon-Smith continues to maintain that she performed this activity at the direction of Financial Analyst Supervisor Michele Flanery, as a preventative maintenance measure to insure the efficient operation of the email account.

Ms. Flanery testified at the hearing herein that she at no time instructed Ms. Gordon-Smith or anyone else to manually delete emails and attached invoices from the email account. Ms. Flanery pointed out in her testimony that no one had had the authority to manually delete emails from the account and the automatic purge feature built into the email account made such manual deletions not only superfluous but injurious to the administration of the account.

The arbitrator does not find credible the grievant's claim that she had been instructed to delete emails from the email account by a supervisor. Considering the features of the email account related to a retention schedule, no such manual deletions would have been welcome and none were authorized. There is also the fact that each of the people trained in the administration of the email account by Ms. Gordon-Smith were instructed during that training that only the primary administrator was to enter the email account's inbox, and were further instructed that at no time was anyone authorized to delete emails from the account. These instructions were communicated by Ms. Gordon-Smith to her trainees during training. Ms. Flanery has flatly rejected the claim by Ms. Gordon-Smith that Ms. Flanery instructed Ms. Gordon-Smith to delete the emails. The grievant is simply not believable on this point as her explanation flies in the face of the procedures to be followed in the administration of the email account, procedures taught by Ms. Gordon-Smith in her training, contradicts automatic systems built into the email account, and is not corroborated by Ms. Flanery or anyone else.

The untruthfulness of the grievant in first claiming that she had engaged in no deletions of emails from the email account and later claiming that she had been instructed to make such deletions substantiates the violation of work rule DPS 501.05 – 1.22 – Interfering with, failing to cooperate in, and/or lying in an investigation or inquiry.

The fact that the grievant knowingly engaged in activities that contradicted policies and procedures to be followed in the administration of the email account, knowing full well that her

activities violated those policies and procedures, reflects a knowing and purposeful misuse of State-owned or leased computers, hardware/software, email, and/or internet access/usage, a violation of work rule DPS 501.05 – 1.23 Interfering (E) Purposeful or careless act(s) which result in damage, loss, or misuse of State-owned or leased computers, hardware/software, email, internet/usage.

It is not necessary in finding the work rules violated as alleged by the Employer to conjure the motivations or intentions of the grievant in deciding to take actions in violation of the rules. The facts of this case show activities by the grievant that were unauthorized and served to needlessly complicate the work of the Employer. Work rule DPS 501.05 – 1.23 (E) however does refer to the purposeful misuse of State-owned property, and to the extent that one's purpose can reflect whether a misuse of State-owned property has occurred, the arbitrator offers the following.

Why a highly experienced, trained, and skilled fiscal administrator who was meticulous in her work and fully accountable for her work product should knowingly and purposefully violate the very procedures she had trained others on, and in many cases had helped establish, is explicable through only one explanation based on the evidence in the hearing record. This digression by the grievant from procedures known by the grievant to be mandatory did not occur through happenstance but from a determined course of action that intended malice toward co-workers who had been assigned responsibilities that Ms. Gordon-Smith had wished to retain. Ms. Gordon-Smith had made it known to co-workers, supervisors, and managers that she wished to retain responsibility for all bulk fuel accounts and yet her expressed preferences in this regard were not implemented. The person who was assigned the accounts which Ms. Gordon-Smith had wanted to retain, Ms. Farrell, had also been assigned the responsibility of serving as primary administrator of the ospfiscal2 email account, a responsibility formerly assigned to Ms. Gordon-Smith and a responsibility Ms. Gordon-Smith had wanted to retain. By deleting emails from the email account without notice to the primary

administrator or the secondary administrator or the Commander or anyone else could only serve to complicate and delay the work that was to flow from the administration of the account. The purpose underlying the grievant's actions in deleting the emails was to sabotage the efficient operation of the email account and thereby harm the reputations of co-workers for competency in their work. The actions of the grievant in this regard comprise a particularly odious misuse of State-owned property.

The arbitrator finds the proven violations of the work rules in question to be sufficiently serious to support the just cause needed by the Employer to effect the removal of the grievant from her employment by the Ohio Department of Public Safety, Ohio State Highway Patrol. The arbitrator finds the Employer has presented a preponderance of evidence to the hearing record proving, through clear and convincing evidence, that the Employer possessed the just cause needed to remove the grievant from employment effective June 19, 2020.

Accordingly, the grievance is denied.

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AWARD

1. The grievance giving rise to this proceeding is arbitrable and properly before the arbitrator for review and resolution under the language of the parties' collective bargaining agreement in effect from May 12, 2018 through February 28, 2021.
2. The Employer has presented a preponderance of evidence to the hearing record, evidence that is found to be clear and convincing, proving that the grievant violated Ohio Department of Public Safety work rule 501.05 – 1.22 by being untruthful in an investigation, and Ohio Department of Public Safety work rule 501.05 – 1.23 (E) by misusing State-owned or leased computers, hardware/software, email, and/or internet access.
3. The Employer possessed just cause to discharge the grievant effective June 19, 2020.
4. The grievance is denied.

Howard D. Silver

Howard D. Silver, Esquire
Arbitrator
P. O. Box 14092
Columbus, Ohio 43214
hsilver@columbus.rr.com

Columbus, Ohio
September 13, 2021

CERTIFICATE OF SERVICE

I hereby certify that signed, duplicate originals of the foregoing Decision and Award of the Arbitrator in the Matter of the Ohio Department of Public Safety and the Ohio Civil Service Employees Association, AFSCME, Local 11, AFL-CIO, grievance DPS-2020-02353-14, grievant: Vicki L. Gordon-Smith, in electronic form were directed to the following this 13th day of September, 2021:

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Jamecia Little
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and

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Columbus, Ohio
September 13, 2021