

ARBITRATION AWARD SUMMARY

OCB Award Number: ~~86-1045~~¹³³ Exp.

OCB Grievance Number: 86-1045 / Caldwell ; 86-1037 / Flinn ;
86-1041 / Martin

Union: OCSEA / AFSCME

Department: MH

Arbitrator: Fullmer

Management Advocate: J. Dworkin

Union Advocate: S. Lieber

Arbitration Date: 12/9/87

Decision Date: 12/9/87

Decision: Modified / Denied / Granted

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: J. FULLMER

State of Ohio

Department MENTAL HEALTH

Union OCSIA, LOCAL 11

Grievance No. G86-1045

Grievant HENRY CALDWELL

Date of Hearing 12/9/87

Issue(s): "WAS THE DISCIPLINE FOR
JUST CAUSE? IF NOT, WHAT SHALL
THE REMEDY BE?" (INSUBORDINATION)

Appearances:

For the Employer: (Advocate) JENNIFER DWORAK

For the Union: (Advocate) STEVE LIEBER

AWARD: THE ARBITRATOR FINDS THAT THERE
WAS AN OFFENSE IN THAT THE GRIEVANT DID
NOT WANT TO AND DID NOT PERFORM THE JOB AS
ASKED/ORDERED. DETRACTING FROM SEVERITY
ARE: 1) GRIEVANT'S REPORTING TO JOB DESPITE
CLAIM OF CONTRACT VIOLATION 2) ACTIONS IN
WORKING OUT "TRADE" 3) NO PRIOR
INSUBORDINATIONS 4) RELATIVE PHYSICAL
ISOLATION OF SUPERVISOR - GRIEVANT CONVERSATION
REMEDY: CONVERSION TO WRITTEN
WARNING, 2 DAYS BACK PAY.

Issued at CLEVELAND, OH

12/9/87

Jim A. Fullmer
Arbitrator's Signature

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: JEFFY FULLMER

Grievance No. 96-1037

State of Ohio

Department MENTAL HEALTH Grievant MICHAEL FLEMING

Union UCSEA, LOCAL 11

Date of Hearing 12/9/87

Issue(s): "I WAS TITLED DISCIPLINE FOR JUST CAUSE? IF NOT, WHAT SHALL THE REMEDY BE?"

Appearances:

For the Employer: (Advocate) JENNIFER DWORKIN

For the Union: (Advocate) STEVE LIEBER

AWARD: WEIGHT OF EVIDENCE IS IN FAVOR OF INTEGRITY OF EMPLOYERS CALL-IN SYSTEM. THIS LEADS TO CONCLUSION THAT GRIEVANT DID NOT CALL ON 7/24, 7/25 & 7/26, 1976. DISCIPLINE THEREFORE JUSTIFIED.

GRIEVANCE DENIED

Issued at CLEVELAND OH

12/9/87

J. A. Fullmer
Arbitrator's Signature

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: JERRY FULLMER

Grievance No. 86-1037

State of Ohio

Department MENTAL HEALTH Grievant MICHAEL FELMA

Union UCSEA, LOCAL 11 Date of Hearing 12/9/87

Issue(s): "I WAS TOLD DISCIPLINE FOR JUST
CAUSE? IF NOT, WHAT SHALL THE
REMEDY BE?"

Appearances:

For the Employer: (Advocate) DEANETER DWORKIN

For the Union: (Advocate) STEVE LIEBER

AWARD: WEIGHT OF EVIDENCE IS IN FAVOR
OF INTEGRITY OF EMPLOYERS CALL-IN
SYSTEM. THIS LEADS TO CONCLUSION
THAT GRIEVANT DID NOT CALL ON
7/24, 7/25 & 7/26, 1976. DISCIPLINE
THEFORE JUSTIFIED.

GRIEVANCE DENIED.

Issued at CLEVELAND OH

12/9/87

J. G. Fullmer
Arbitrator's Signature

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: JERRY FULLMER

State of Ohio

Grievance No. 86 1041

Department MENTAL HEALTH

Grievant JOHN MARTIN

Union O.C.S.E.A., LOCAL 11

Date of Hearing 12/9/87

Issue(s): "WAS THE DISCIPLINE FOR
JUST CAUSE?" IF NOT, WHAT SHALL THE
REMEDY BE?" (IN SUBORDINATION)

Appearances:

For the Employer: (Advocate) DWORKIN

For the Union: (Advocate) LIEBER

AWARD: IT IS UNDISPUTED THAT GRIEVANT CLAIMED
A PSYCHOLOGICAL INABILITY TO PERFORM TASK AND
THAT THE TASK IS NORMAL TO THE INSTITUTION.
(ESCORTING VIOLENT PATIENT) IT SEEMS TO THE
ARBITRATOR THAT UNDER THESE CIRCUMSTANCES
THAT EMPLOYEE SHOULD EITHER BE ACCEPTED
AS A LIMITED DUTY EMPLOYEE OR REMOVED
FROM JOB FOR INABILITY FOR INABILITY TO
PERFORM. BUT, IF CLAIM IS IN GOOD FAITH, IT
SEEMS NOT AN APPROPRIATE MATTER FOR
DISCIPLINE, SIMPLY BECAUSE IT IS NOT AN
IN DISCIPLINED ACT.

GRIEVANCE SUSTAINED, BACK PAY.

Issued at CLEVELAND, OH

J. A. Fullmer
Arbitrator's Signature

12/9/87