

ARBITRATION  
BENCH DECISION AND AWARD

Arbitrator: JEFF A. FULLMER

0013-01-03

State of Ohio

Grievance No. 35-06(89-01-05)

Department Youth Services

Grievant EO FAVER

Union OCSEA, Local 11

Date of Hearing 6/19/90

Issue(s): Did The Employer have just cause  
to suspend grievant for one day? If  
not what shall be the remedy?

Appearances:

For the Employer: (Advocate) R. Coie

For the Union: (Advocate) R. Gahagan

AWARD: GA. sustained in part and denied in part. One day  
suspension converted to letter of reprimand. Grievant  
to receive one day back pay. Regardless of  
merits of whether Sally Phillips should have been promoted,  
Grievant should have "work now, grieve later",  
and child care responsibilities can't excuse.

Penalty too severe since L.O.R. has been  
transitory penalty. ~~There~~ Written notice of  
"Tightening up" not issued until following  
month. Informal notice to union of "Tightening  
up" not sufficient since evidence indicates  
not passed along to grievant.

Issued at Apple Creek, OH  
6/19/90  
Date

J. A. Fullmer  
Arbitrator's Signature

## BENCH DECISION AND AWARD

Arbitrator: J. Fullmer

0212-01-04

State of Ohio

Grievance No. 24-02 (11-09-89)Department MR/ODGrievant Sharon DennisUnion OSCEA, Loc. 11Date of Hearing 6/19/90

Issue(s): Were the three separate one day suspensions given the Grievant for just cause? If not, what shall be the remedy?

## Appearances:

For the Employer: (Advocate) P. GallFor the Union: (Advocate) R. Goheen

- AWARD: ① 9/25/89 Tardiness: Grievance denied. Tardiness established. In view of prior offenses, Arbitration Reluctant to second guess severity of penalty.
- ② 10/4/89 Dining Room: Grievance denied. Reasonable of source of mess Applicable Rule is "work now, grieve later".
- ③ 10/4/89 "Dolores M": Grievance sustained. One day back pay + EXPUNEMENT. In view of evidence from both witnesses as to difficulty of handling patient ~~and~~ evidence does not clearly establish bad judgment on part of Grievant.

Issued at Apple Creek, OH  
6/19/90  
 Date

J. A. Fullmer  
 Arbitrator's Signature

ARBITRATION  
BENCH DECISION AND AWARD

Arbitrator: J. Fullmer

0204-01-04

State of Ohio

Grievance No. 24-02(10-22-89)-

Department MAR/00

Grievant Kelly Scott

Union OCSEA, Loc. 11

Date of Hearing 6/19/90

Issue(s): Did management suspend grievant Kelly Scott for just cause? If not what shall be the remedy?

Appearances:

For the Employer: (Advocate) D. Gall

For the Union: (Advocate) R. Kohen

AWARD: Grievance denied. Grievant did not appear for hearing despite notice from union to appear at 9:00 a.m. (Hearing started at 11:20 a.m.). The alteration of the medical excuse was admitted by Grievant in grievance procedure and by Union in argument at hearing. In absence of live testimony by the grievant the arbitrator is unable to make any findings in her favor on the mitigation factors urged, such as stress, and lack of intent to defraud.

Issued at Apoke Creek, OH  
6/19/90  
Date

J. Fullmer  
Arbitrator's Signature