

#1536

**BENCH DECISION AND AWARD**

ARBITRATOR: Craig Allen

HEARING DATE: October 18, 2001

24-13 C01-14-001-597-01-04

GRIEVANT: Jim Ott

GRIEVANCE #: 24-13-000322-0609-01-04

DEPARTMENT: in RDD

UNION: OCSEA

MANAGEMENT  
ADVOCATE:

UNION

ADVOCATE: J. Hall

**ISSUE**

Was the discipline for just cause?

**AWARD**

I grant the grievance. As to the injured Resident  
 Dot's testimony is uncontradicted that Resident's  
 medical conditions were posted in plain view  
 The comment to the co-worker was permissible. As to  
 the telephone calls - There was no threat. The language  
 on the first call was not intentionally directed at Refer.  
 As to the six day suspension, there is insufficient  
 evidence. Mgmt knew the requirement was  
 posted on the locker. Also Dot denies any

ISSUED AT: Jiffy Development Center

DATE:

Oct 18, 2001

ARBITRATOR'S  
SIGNATURE:

Craig Allen

Conversation with David F. He gives testimony that David F caused early disturbances and since been removed is uncontradicted. In a facility such as this the charge of creating a disturbance is a serious charge. There is no evidence that Dvt created one. There might not be a rule about posting grievances but mgmt had ample opportunity to ask Dvt to remove it.