

IN THE MATTER OF

Grievant

ARBITRATOR JONAS KATZ

TOLEDO MENTAL HEALTH CENTER,

Employer

For the reasons set forth orally at the hearing, it is my opinion and finding that the grievant, both on June 8th and June 17th, failed to exercise the proper care and prudence to be expected from a registered nurse. While I adhere to this ruling, there are slight, very slight, extenuating circumstances existing in the June 17th occurrence due to the manner in which the dosage was written and the grievant's unfamiliarity with the patient. For this reason, and because it does not appear that the grievant has had any prior disciplinary action taken against him (although there is some indication that he was counselled about his problems previously) I will modify the penalty of removal, as follows.

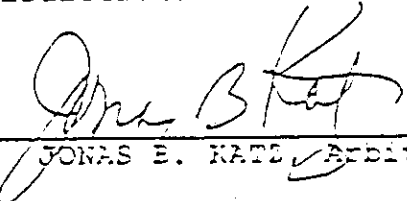
The grievant is to be reinstated without backpay and without any benefits accruing to him from the time of his removal to the time of his reinstatement. This reinstatement is conditioned on the following:

1. Prior to reinstatement, grievant, at the discretion of the Director of Nursing, is to undergo a reorientation, restudy or review program of reasonable duration as may be determined by the Director of Nursing. Said reorientation, restudy and/or review program shall be undertaken insofar as possible at minimal or no expense to the State.

2. Grievant's attitude and attendance during this reorientation, restudy and/or review, and completion of same, must be acceptable to the Director of Nursing.

3. Upon reinstatement, grievant will be placed on probation for a period of two (2) years with the understanding that any further occurrences of the type which caused his removal or any other violations of his obligations or duties in relation to patient care and/or welfare will result in his immediate removal.

The Arbitrator retains jurisdiction.

  
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JONAS E. KATZ, Arbitrator

Issued at Cincinnati, Hamilton County,  
Ohio, this 8th day of December, 1986.