

ARBITRATION AWARD SUMMARY

OCB Award Number: 128 EXP.
OCB Grievance Number: 86-0425 / Kotusinski
Union: AFSCME / OCSEA
Department: MR/DD
Arbitrator: Fullmer
Management Advocate: Norris
Union Advocate: Lieber
Arbitration Date: 11/30/87
Decision Date: 11/30/87
Decision: Granted

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: JERRY FULLMER

State of Ohio

Grievance No. G86-0425

Department Mental Retardation

Grievant Stanley Kotusinski

Union AFSCME/OCSEA

Date of Hearing Nov. 30, 1987

Issue(s): Was the grievant suspended three (3) days for just cause? If not, what shall the remedy be?

Appearances:

For the Employer: (Advocate) David Norris

Office of Collective Bargaining

For the Union: (Advocate) Steve Lieber

AFSCME/OCSEA

AWARD: ARBITRATOR CREDITS GRIEVANT'S TESTIMONY THAT HE TOLD MICHAUD THAT HE COULD NOT CARRY THEM BECAUSE OF BAD BACK. PROPER STEPS THEREAFTER WOULD BE TO PROCEED THROUGH MEDICAL, DISABILITY CHANNELS TO SEE IF GRIEVANT FIT TO PERFORM DUTIES OF MAINTENANCE REPAIR CLASSIFICATION.

UNFORTUNATELY THESE NOT FOLLOWED, BUT IT SEEMS IMPROPER TO FIND INSUBORDINATE FROM EMPLOYEE ASSERTION OF PHYSICAL INABILITY TO ~~PER~~ PERFORM. ACCORDINGLY, SUSPENSION FOUND WITHOUT JUST CAUSE, GRIEVANT TO RECEIVE BACK PAY.

Issued at Brownsville Ohio

11/30/87
Date

Jerry Fullmer
Arbitrator's Signature