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February 22, 1988

Mr. Mike Duco  
Office of Collective Bargaining  
65 East State Street, 16th Floor  
Columbus, Ohio 43215

RE: Expedited Arbitrations: Janet Jordan, Patricia Pinson,  
and Jane Crew

Dear Mr. Duco:

Enclosed please find Award in the above styled matter.

Sincerely,

  
Henry E. Helling, III  
Arbitrator

HEH/ch

Enclosure

BEFORE THE ARBITRATOR

In the Matter of:

STATE OF OHIO, DEPARTMENT  
OF MENTAL RETARDATION &  
DEVELOPMENTAL DISABILITIES

THE EMPLOYER

and

OHIO CIVIL SERVICE  
EMPLOYEES ASSOCIATION,  
LOCAL 11, AFSCME, AFL-CIO

THE UNION

February 18, 1988

Grievances: G86-298,  
G86-299, G86-323

Grievants: Janet Jordan  
Patricia Pinson  
Jane Crew

Arbitrator: Henry E. Helling, III

AWARD

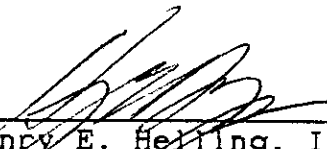
This matter came on for expedited arbitration February 18, 1988, in Dayton, Ohio. Present at the proceeding were Grievants Janet Jordan and Jane Crew. Grievant Patricia Pinson did not appear. Appearing for the Union was Michael Muenchen and for the State of Ohio, Michael Duco. Inasmuch as the disciplinary actions taken against the Grievants were all the result of the same incident, the three cases have been consolidated for purposes of this arbitration. The State's preliminary motion to dismiss Grievant Pinson for failing to appear is overruled based on similar fact patterns of the matter.

Grievants are now and were on June 21, 1986, employees of the Montgomery Developmental Center. All were suspended from their duties as Hospital Aide for neglect as a result of an incident on June 21, 1986, at MDC Grievant Jordan was suspended for one (1) day, Grievants Pinson and Crew were suspended for

five (5) days. These disciplinary actions were a result of Grievants endangering the health and safety of a resident by leaving him unsupervised in their assigned cottage for a period in excess of one and one-half (1 1/2) hours when they left the grounds for a community awareness van ride. There is no dispute that the resident was left alone in the cottage.

The employer argued that the Grievants in this matter endangered the health and safety of the resident that they left behind, alone and unsupervised. The Union's position was that although Grievants were responsible for the residents in the cottage, they were not at fault for leaving the resident behind due to negligence and confusion caused by the Employer in organizing the field trips for the day. This confusion was allegedly the result of a field trip to Kings Island for some of the residents and a community awareness van ride for the remaining residents.

Based on the testimony of the witnesses and other evidence presented, I hereby find that Grievants were in fact guilty of neglect of duty in leaving the resident alone and unsupervised in their assigned cottage. Grievants should have taken a head count before leaving on the community awareness van ride on which they later noticed that said resident was not present. Further, it is found the discipline imposed was commensurate with the offense and was in fact progressive based on the seriousness of said offense. The grievances are hereby denied accordingly.

  
Henry E. Helling, III  
Arbitrator

Issued February 22, 1988