

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: JERRY A. FULLMER

State of Ohio

Grievance No. 23-18-4-11-88-055-01-01

Department Mental Health

Grievant Furl Brown

Union AFSCME, Local 11

Date of Hearing Feb. 22, 1989

Issue(s): Did the Grievant use more than "the maximum amount of force necessary to neutralize the attack" by patient? If so, was penalty of 2 day suspension just.ified.

Appearances:

For the Employer: (Advocate) Teri Decker

For the Union: (Advocate) Steve Lieber

AWARD: 2 Day suspension converted to written warning. Punch may have been more than necessary force. But, 24.02 calls for progressive discipline. Here aggravated nature of offense is mitigated by 1) Surprise patient attack 2) Speculation as to what patient might have done if not punched 3) Disparity in size between patient & grievant. & 4) Grievant's clean record.
Date of written warning is date from effective date of 3/25. Pay to be given for two days.

Issued at Sagamore Hills, OH
Feb 22, 1989
Date

Jerry A. Fullmer
Arbitrator's Signature

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: Jerry A. Fullmer

State of Ohio

Grievance No. 23-18-3-1188-041

Department Mental Health

Grievant Elmer Flaherty⁰¹⁻⁰⁶

Union AFSCME, Loc. 11

Date of Hearing Feb. 20, 1989

Issue(s): Did the Admin. TIA remarks constitute false or malicious public statements about programs in employees? If so, was penalty two severe?

Appearances:

For the Employer: (Advocate) Teri Decker

For the Union: (Advocate) Steve Lieber

AWARD: Grievance denied. Grievant admits making statements, some on all of which were after being directed to stop. Grievant's record shows a succession of Verbal Reprimands, Letter of Reprimands, Two Day Suspension in relatively short period & remarks at hearing show some problems with submitting to contractual discipline.

Issued at Sagamore H.H., OH

Jerry A. Fullmer
Arbitrator's Signature

Feb. 22, 1989
Date

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: Jerry A. Fullmer 687-2770

State of Ohio

Grievance No. 311-87

Department Mental Health

Grievant Hubert Bell

Union AFSMIE Loc. 11

Date of Hearing 2-22-89

Issue(s): Was there a fight on the premises involving the Grievant? If so, was the penalty of two days suspension too severe?

Appearances:

For the Employer: (Advocate) Teri Decker

For the Union: (Advocate) Steve Lieben

AWARD: Grievance denied. There admittedly was a fight. Flaherty pushed Grievant, Grievant punched Flaherty. Each was given a two day suspension, a relatively light punishment by both the disciplinary guide + industrial norms. The Grievant's fear of a knife attack cannot erase fact of fight.

AT time of fight (Oct. 2, 1987) Grievant had 1 Verbal Reprimand for attendance. Flaherty had 1 Verbal Reprimand for verbal patient abuse. This record is not such as to dictate a lesser penalty for the Grievant for fighting.

Issued at Sagamore Hills, OH
Feb. 22, 1989
Date

Jerry A. Fullmer
Arbitrator's Signature