

OCSEA - State of Ohio

Voluntary Arbitration Proceedings

Arbitration Award

In the Matter of Arbitration Between:

The State of Ohio  
Department of Youth Services

Training Institution of Central Ohio	Case No. 35-08-(880331)
	0015-01-03
and	35-08-(890214)
	0101-01-03
Ohio Civil Service Employees Association, AFSCME Local Union 11	

APPEARANCES

For the State:

John Tornes, Advocate  
Tim Wagner, Chief Arbitration Services

State Union:

Steve Wiles, Advocate  
Ron Stevenson, Staff Representative  
Yvonne Powers, Associate General Counsel

ARBITRATOR: JONATHAN DWORKIN

#### BACKGROUND

Two disputes on behalf of grievant John H. Jordan, Jr. were presented to arbitration in Columbus, Ohio on April 11, 1990. The first challenged a 30-day disciplinary suspension issued for alleged misconduct which occurred on January 2, 1989. The second stemmed from grievant's removal on December 12, 1989. The facts and arguments on both grievances were presented; the arbitrator was able to develop conclusions and announce his award at the end of the hearing.

At the request of the parties, the award will be in summary form without the customary statements of supporting rationale. Nevertheless, it shall be as final, binding, and conclusive as any other award issued pursuant to Article 25 of the Collective Bargaining Agreement governing relationship between the State, the Union, and the represented employee.

#### SUMMARY AWARDS

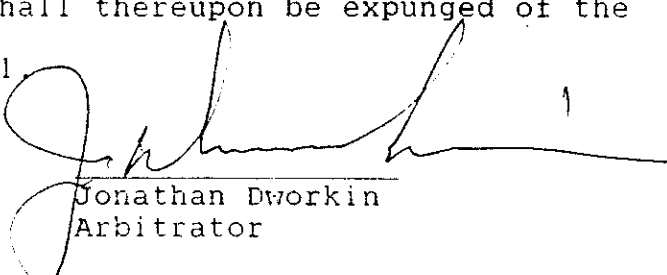
Grievant is hereby reinstated to employment in a non-pay status (leave without pay). His reinstatement is expressly and solely for the purpose of providing him an opportunity to apply for disability retirement.

The 30-day suspension is set aside and the grievance challenging it is sustained. The Employer is directed to compensate grievant for 30 days' lost wages, together with longevity increments, at the rate in effect for his classification, pay range, and step at the time that the

suspension was served.

Grievant shall remain on non-pay status up to 120 days during which time he may apply for disability retirement. If he makes timely application but does not obtain a final allowance or disallowance within the 120 days, the parties may agree to an extension of the non-pay status or, if they cannot agree, the Union may obtain an extension from the arbitrator upon proof of good and sufficient cause demonstrating no undue delay on grievant's part. The arbitrator reserves jurisdiction of these matters for the purpose of ruling upon a request for an extension.

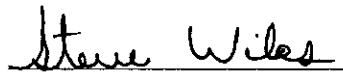
Should grievant fail to make timely application for disability retirement and/or should such application be denied without a timely appeal and/or should any such appeal rights be exhausted without an allowance of the benefit, this award shall stand as affirmation of the fact that grievant's separation from his employment was by reason of his voluntary quit. The separation shall be recorded as such and treated as such by the employer. Grievant's record shall thereupon be expunged of the 30-day suspension and the removal.



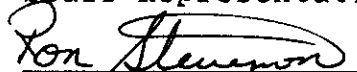
Jonathan Dworkin  
Arbitrator

ACKNOWLEDGEMENT

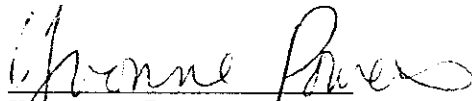
The undersigned grievant, State Representatives, and OCSEA Representatives, do not by their signatures imply their consent to the foregoing award. They do, however, acknowledge that the award and each part thereof were, for the purposes of these disputes, within the substantive jurisdiction of the arbitrator and they waive all right of protest or appeal on behalf of themselves and their principals.



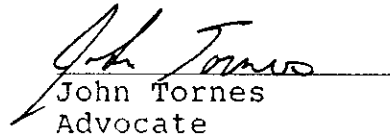
Steve Wiles  
Staff Representative



Ron Stevenson  
Staff Representative



Yvonne Powers  
Associate Gen. Counsel



John Tornes  
Advocate



John Jordan  
Grievant

April 11, 1990