

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 575 EX

OCB GRIEVANCE NUMBER: 1) 33-00-900427-0237-01-05;
2) 23-12-891213-0171-01-03; 3) 23-12-890615-011-0-03;
4) 23-12-891018-015-01-03

GRIEVANT NAME: 1) MOORE, L.; 2) BODDIE, S.; 3) HICKEY, M.;
4) FAIRBURN, L.

UNION: OCSEA/AFSCME

DEPARTMENT: OHIO VETERANS HOME & MENTAL HEALTH

ARBITRATOR: KLEIN, JAMES M.

MANAGEMENT ADVOCATE: 1) VAN SICKLE, DENNIS 2 & 3) SMITH,
BETH; 4) MAWHORR, RICHARD

2ND CHAIR: KIRSCHNER, PAUL

UNION ADVOCATE: 1) HALL, JOHN 2, 3 & 4) ROWLAND, BOB

ARBITRATION DATE: MARCH 15, 1991

DECISION DATE: MARCH 15, 1991

DECISION: 1) DENIED 2) MODIFIED 3) DENIED 4) GRANTED

CONTRACT SECTIONS
AND/OR ISSUES: 1) 10 DAY SUSPENSION 2) 6 DAY SUSPENSION
3) 6 DAY SUSPENSION 4) 6 DAY SUSPENSION

HOLDING: 1) INSUBORDINATION 2) VIOLATION OF SIGN-IN & SIGN-
OFF PROCEDURES 3) NEGLECT OF DUTY
4) NEGLECT OF DUTY/INSUBORDINATION

ARB COST: \$245.00 (\$61.25 EA)

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: James M. Klein

State of Ohio

Grievance No. 33-00-90-04-27-02347-010

Department Ohio Veterans' Home

Grievant Lyvonne Moore

Union OSSEA Local 11

Date of Hearing 3-15-91

Issue(s): Was the grievant suspended for 10 days without
just cause for willful disobedience of a direct order on March
29, 1990? If so, what shall the remedy be?

Appearances:

For the Employer: (Advocate) Dennis R. Van Sickle, LR Specialist
OCB - Ohio Veterans' Homes

For the Union: (Advocate) John Hall, Staff Rep
OSCEA

AWARD: This is a grievance of a ten (10) day suspension for willful
disobedience of a direct order to be present for a physical examination.
Grievant was not present at the hearing in this matter. It is undisputed
that Grievant did not attend the physical exam. She did call in 5
times to the physician's office. However, Grievant did not notify the
that she was not present at the physical exam. The record also reflects
that four months prior to the examination, grievant failed to
for a physical exam and she was given a three day suspension.
reviewing the entire record, the Arbitrator finds that the Grievant
to attend the physical exam on March 29, 1990 constituted willful
of a direct order and that the 10 day suspension was proper.
GRIEVANCE DENIED

Issued at Lima, Ohio

3-15-91
Date

James M. Klein
Arbitrator's Signature

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: Jame M. Klein

State of Ohio

Grievance No. 23-12-89-12-13-0171-01-03

Department Mental Health

Grievant Sandros Boddie

Union OCSEA

Date of Hearing 3-15-91

Issue(s): Was the discipline issued for just cause? If not,
what shall the remedy be?

Appearances:

For the Employer: (Advocate) ~~Richard Mantrorr~~ - Ellen Beth Smith
for Oakwood Forensic Center

For the Union: (Advocate) Bob Rowland
OCSEA

AWARD: Grievant suspended for six (6) days for violating Employer's
policies and procedures regarding sign-in and sign-off. Specifically,
Grievant was found to be in Neglect of Duty for failure to
report to work at scheduled time and for failure to requesting
leave time he did not accumulate. (Attachment E to Corrective Action
Policy of Oakwood Forensic Center) After considering both the Employer's
evidence and the Grievant's testimony, the Arbitrator finds that the
Grievant did violate the policies and procedures of the employer.
However, several of the allegations of neglect were not substantiated
by the Employer's evidence and the Arbitrator finds that the
Six day suspension shall be reduced to a three day
suspension. Grievance upheld in part + denied in part.

Issued at Lima Ohio

3-15-91
Date

Jame M. Klein
Arbitrator's Signature

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: James M. Klein

State of Ohio

Grievance No. 23-12-39-06-15-0115-01-03

Department Mental Health

Grievant Michael Hickey

Union OCEA

Date of Hearing 3-15-91

Issue(s): Was the discipline issued for just cause? If not what shall the remedy be?

Appearances:

For the Employer: (Advocate) Ellen Beth Smith
Oakwood Forensic Center

For the Union: (Advocate) Bob Rowland

AWARD: Grievant Suspend six (6) days for 3rd violation of
Corrective Action Policy: "Neglect of Duty"
Charged with violating sick leave policies by requesting sick
time which he did not have, by being A.W.O.L., by failing to
submit timely requests for leave and medical statements. After
reviewing all of the evidence submitted by the Employer and
evaluating the Grievant's testimony, the Arbitrator finds that
the Grievance is without merit and should be denied
GRIEVANCE DENIED.

Issued at Lima, Ohio

3-15-91
Date

James M. Klein
Arbitrator's Signature

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: James M. Klein

State of Ohio

Grievance No. 23-12-89-10-18-0158-0103

Department Mental Health

Grievant Larry Fairburn

Union OSCEA

Date of Hearing 3-15-91

Issue(s): Was grievant disciplined for just cause? If not
what shall the remedy be?

Appearances:

For the Employer: (Advocate) Richard Mawhore
Oakwood Forensic Center

For the Union: (Advocate) Bob Rowland

AWARD: Grievant received six (6) day suspension for
Neglect of Duty and/or Failure of Good Behavior and/or
Subordination. Grievant refused direct order to work
mandatory overtime on 8-13-89. Grievant had worked
16 consecutive hours on 8-12-89 and stated to supervisor that
he was too tired to work overtime after his shift on 8-13-89.
He stated that he only ~~stated~~ slept three (3) hours after
completing 16 hours on 8-12-89. After considering all of the
evidence the Arbitrator finds that mitigating circumstances were
present that justified refusal of the order to work overtime in this
instance. For this reason, the grievance is upheld and the
Grievant shall be ~~remanded~~ ^{awarded} six (6) days compensation with
fringe benefits. The discipline in this case was without just cause.

Issued at 3-15-91 / Lima, Ohio

3-15-91
Date

James M. Klein
Arbitrator's Signature