

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 642

OCB GRIEVANCE NUMBER: 23-12-900521-0196-92-11

GRIEVANT NAME: NEDELKOFF, JEKO M.D.

UNION: 1199

DEPARTMENT: MENTAL HEALTH

ARBITRATOR: LOVE, ANDREW

MANAGEMENT ADVOCATE: JOHNSON, MALLORY

2ND CHAIR: SAMPSON, RODNEY

UNION ADVOCATE: HETRICK, LISA

ARBITRATION DATE: JULY 25, 1991

DECISION DATE: JULY 25, 1991

DECISION: MODIFIED

CONTRACT SECTIONS  
AND/OR ISSUES: TWO DAY SUSPENSION FOR SLEEPING ON THE JOB

HOLDING: EVIDENCE IS CLEAR THAT THE GRIEVANT WAS UNALERT WHILE IN THE FACILITY AND THUS PLACED HIMSELF IN POTENTIAL JEOPARDY IN RESPECT TO UNESCORTED PATIENTS. DISCIPLINE IS REDUCED TO ONE DAY IN LIGHT OF EVIDENCE THAT GRIEVANT DEMONSTRATED HIS COMMITMENT TO TREATING PATIENTS EVEN THOUGH HE WAS ILL HIMSELF AND THAT NO OTHER PHYSICIANS WERE AVAILABLE.

COST: \$200.00

7/25/91

Arbitration

#642

In Re: Grievance of Jek's Nedelkoff, M.D.

Grievance No. 23-12-90-05-21-0196-02-11

For grievant: Lisette Trickett (1199)

For mgt: Mallory Johnson & Rodney Sampson

### Decision & Award

The grievance is denied for reason that the evidence was clear that the grievant was unalert while in the facility, and thus placed himself in <sup>potential</sup> jeopardy ~~for~~ in respect to ~~the~~ unassisted patients.

However, in light of the evidence that the grievant demonstrated his commitment to treating the facility's patients (even though he was ill), and that no other physicians were available, it is my view that the appropriate discipline is a one (1) day suspension rather than 2 days.

Accordingly, the grievance is denied, but