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 In the Matter of Arbitration  
 Between  
 STATE OF OHIO,  
 DEPARTMENT OF MENTAL HEALTH  
 and  
 OHIO CIVIL SERVICE EMPLOYEES  
 ASSOCIATION, LOCAL 11,  
 A.F.S.C.M.E., AFL/CIO  
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 \* OPINION and AWARD #720  
 \* Anna D. Smith, Arbitrator  
 \* Case 23-03-910802-0217-01-04  
 \* Joseph Blackford, Grievant  
 \* Discharge  
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Appearances

For the State of Ohio:

- Teri Decker; Labor Relations Officer; Advocate
- Robert Thornton; Ohio Office of Collective Bargaining;  
Second Chair
- A. Michael Jones; Labor Relations Officer, Athens Mental  
Health Center
- Romola N. Hopkins, Ph.D.; Chief Executive Officer, Athens  
Mental Health Center; Witness
- Mary Jo Ford; Human Resources Director, Athens Mental Health  
Center; Witness
- John Wright; Psychiatric Nurse Supervisor; Witness by  
Subpoena
- Gloria Chester; Therapeutic Program Worker; Witness by  
Subpoena
- Pearl Swart; Hospital Aide Coordinator 1; Witness by  
Subpoena
- Ann J. Farley, R.N.; Witness by Subpoena
- Judith A. Lanning, R.N.; Witness by Subpoena

For OSCEA Local 11, AFSCME:

- Donald Sargent; Staff Representative, OCSEA Local 11,  
AFSCME, AFL-CIO; Advocate
- Richard Sycks; Staff Representative, OCSEA Local 11, AFSCME,  
AFL-CIO; Second Chair
- Joseph Blackford; Grievant
- Ralph Jolley; Steward, OCSEA Local 11, AFSCME, AFL-CIO;  
Witness
- Nancy Landis; Hospital Aide; Witness
- Deloris Morris; Hospital Aide; Witness
- Jamie Greene Parsons; Observer

### Hearing

Pursuant to the procedures of the parties a hearing was held at 9:15 a.m. on January 15, 1992 at the offices of O.C.S.E.A. Local 11 A.F.S.C.M.E., AFL-CIO, Columbus, Ohio before Anna D. Smith, Arbitrator. The parties were given a full opportunity to present written evidence and documentation, to examine and cross-examine witnesses, who were sworn and excluded, and to argue their respective positions. The record was closed at 1:15 p.m., January 15, 1992. This award is based solely on the record as described herein.

### Issue

By agreement of the parties, the issue to be decided was:

Was there just cause to remove the Grievant for Neglect of Duty (Sleeping on Duty) Where Safety of Persons is thereby Endangered? If not, what shall the remedy be?

### Joint Exhibits and Stipulations of Fact

#### Joint Exhibits

1. 1989-91 Collective Bargaining Agreement between the Parties
2. Grievance Trail
  - 2a. Grievance
  - 2b. Step III Response
  - 2c. Request for Arbitration
3. Discipline Trail
  - 3a. Notice of Pre-Disciplinary Conference
  - 3b. Order of Removal
  - 3c. Effective Date of Removal
4. Prior Discipline:  
Written Reprimand  
Two-Day Suspension

Stipulations of Fact

1. Mr. Blackford does not deny that he was sleeping on duty June 11, 1991 and on June 19, 1991.
2. The grievance on the two-day suspension was dropped on January 15, 1992 in order to expedite the proceedings.

Stipulated Award

1. There was just cause for discipline.
2. Removal is hereby reduced to a 6-day suspension.
3. There shall be a lump-sum payment of \$5000 paid to the Grievant without deductions.
4. The Grievant shall read all Athens Mental Health Policies and Procedures.
5. Any disciplinary actions pending against the Grievant as of January 15, 1992, shall be "No Actioned."
6. The Grievant shall be returned to the position and shift from which he was removed.
7. Said reinstatement shall be effective January 26, 1992.
8. The period of time from the end of the 6-day suspension to reinstatement shall be considered Approved Leave Without Pay.



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Anna D. Smith, Ph.D.  
Arbitrator

January 17, 1992  
Shaker Heights, Ohio

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