

ARBITRATION SUMMARY AND AWARD LOG
OCB AWARD NUMBER: 1003 Expedited

OCB GRIEVANT NUMBER: 1.) 24-06-930305-0413-01-04
2.) 24-06-930707-0439-01-04
3.) 24-06-930713-0441-01-04
4.) 24-06-930827-0448-01-04

GRIEVANT NAME: 1.) Barbara Washington
2.) Geraldine Edmonds
3.) Nina Dale
4.) Frank Nowlin

UNION: OCSEA/AFSCME

DEPARTMENT: MR/DD

ARBITRATOR: Everette Freeman

MANAGEMENT ADVOCATE: 1.) Carolyn Collins
2.) Carolyn Collins
3.) Jill Dible
4.) Jill Dible

2ND CHAIR: Teri Decker

UNION ADVOCATE: Bob Steele

ARBITRATION DATE: September 23, 1994

DECISION DATE: September 23, 1994

DECISION: 1.) Denied
2.) Denied
3.) Granted
4.) Modified

**CONTRACT SECTIONS
AND/OR ISSUES:** 1.) 20 day suspension
2.) 10 day suspension
3.) 3 day suspension
4.) 20 day suspension

HOLDING: 1.) The Arbitrator felt that the Union's witnesses were not credible. The Grievant did not intervene properly in the situation in question.

2.) The Arbitrator felt that the Employer was able to prove that the Grievant failed to report an extended absence of a resident under her care.

3.) The Arbitrator felt that the Grievant made a reasonable attempt to accommodate the Employer's request for written documentation from her physician. The Employer's failure to inform the Grievant that the note she provided was not sufficient, mitigates the discipline.

4.) There was no dispute to the matters of the incident, only to the discipline imposed. The Arbitrator found the Union's claim of disparate treatment to be true and reduced the suspension to 10 days.

ARBITRATION BENCH DECISION AND AWARD

Arbitrator: EVERETTE FREEMAN

State of Ohio

Grievance No. 24-06-(3-5-93)-413-01-04

Department _____

Grievant Barbara Washington

Union OCSEA

Date of Hearing 9-23-94

Issue(s): 20 DAY suspension - inappropriate behavior

Appearances:

For the Employer: (Advocate) Carolyn S. Collins

For the Union: (Advocate) Robert Steele

AWARD: Grievance denied

The issue turns on the testimony of grievant's witness Bryant. Witness Frank's testimony is not credible. The arbitrator finds the grievant could have & should have used other interventions including the backhoe in both cases where, according to her own testimony, she used a pushing intervention.

Columbus Developmental Center
Issued at

Sept 23, 1994
Date

[Signature]
Arbitrator's Signature

ARBITRATION BENCH DECISION AND AWARD

Arbitrator: EVERETTE FREEMAN

State of Ohio

Grievance No. 24-06-(07.07.93)-437-01-04

Department _____

Grievant Meraldine Edmunds

Union OCSEA

Date of Hearing 9.23.94

Issue(s): Suspension - neglect of duty

Appearances:

For the Employer: (Advocate) Carolyn S. Collins

For the Union: (Advocate) Robert Steele

AWARD: Grievance denied.

Management was able to show that the grievant failed to report an extended absence of a resident in her charge. The grievant, although a 16 yr employee who prior disciplinary action, failed to exercise due diligence. Management seems to have taken her prior work history into account in its disciplinary decision. If procedures are lax or in violation, the union may institute a grievance to address policy/practices that are atypical or illegal deviation to due diligence.

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Sept 23, 1994
Date

[Signature]
Arbitrator's Signature

ARBITRATION BENCH DECISION AND AWARD

Arbitrator: Everette Freeman

State of Ohio

Grievance No. 24-06-7-13-93-441-01-04

Department MRDD - CDC

Grievant NINA DALE

Union OCSEA

Date of Hearing 9-23-94

Issue(s): 3 DAY suspension for neglect of duty;

TARDY TIME

Appearances:

For the Employer: (Advocate) Jill Dible

For the Union: (Advocate) Robert Steele

AWARD: Grievance ^{wholly} sustained. Reimburse for lost time

The grievant made reasonable efforts to accommodate the Department's request for written documentation from her attending doctor. The fact that the pre-discipline hearing officer was willing to consider medical circumstances lends weight to the grievant's claim that she did not intentionally report late for work.

The Panel to alert the grievant that the 2nd note was insufficient to impair the Department's case.

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Arbitrator's Signature

ARBITRATION BENCH DECISION AND AWARD

Arbitrator: EVERETTE FREEMAN

State of Ohio

Grievance No 24-06 (8-27-93) 448-01-04

Department _____

Grievant FRANK Nowlin

Union DCSEA

Date of Hearing 9-23-94

Issue(s): 20 Day - suspension
neglect in leaving resident

Appearances:

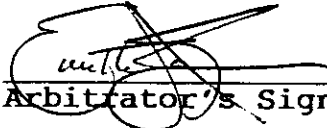
For the Employer: (Advocate) Jill Ditle

For the Union: (Advocate) Robert Steel

AWARD: Grievant suspension reduced to
10 DAYS - Testimony of parties as to the severity
of the issue not in dispute. There is dispute,
however, as to the failure to charge Clark for
leaving residents to assist other residents which raises
an issue of fairness. Accordingly, grievant's suspension
for 10 days is appropriate; grievant should be made whole
for additional time given for suspension.

Columbus Developmental Center
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Arbitrator's Signature

ARBITRATION BENCH DECISION AND AWARD

Arbitrator: EVERETTE FREEMAN

State of Ohio

Grievance No 24-06(8-27-93)448-01-04

Department _____

Grievant FRANK Nowlin

Union DCSEA

Date of Hearing 9-23-94

Issue(s): 20 Day - suspension
neglect in leaving resident

Appearances:

For the Employer: (Advocate) Jill Ditle

For the Union: (Advocate) Robert Steele

AWARD: Grievant suspension reduced to
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