

ARBITRATION SUMMARY AND AWARD LOG
OCB AWARD NUMBER: 1038 Expedited

OCB GRIEVANT NUMBER: 24-06-931122-0467-01-04

GRIEVANT NAME: Helen Gillispie

UNION: OCSEA

DEPARTMENT: MR/DD

ARBITRATOR: Everette Freeman

MANAGEMENT ADVOCATE: Jill Dible

UNION ADVOCATE: Maxine Hicks

ARBITRATION DATE: March 30, 1995

DECISION: Denied

CONTRACT SECTIONS
AND/OR ISSUES: The Grievant was given a 10 day suspension for
sleeping on the job.

HOLDING: The Arbitrator found that medication taken two
days prior to the incident was not the reason for
the Grievant's behavior. The Grievant did not
try to ward off drowsiness other than by
resorting to a recliner.

STATE'S ARB COST: \$

BENCH DECISION AND AWARD

ARBITRATOR: Dr. Everett Freeman	HEARING DATE: March 30, 1995
GRIEVANT: Helen Gillispie	GRIEVANCE #: 24-06-11-22-93-467-01-04
DEPARTMENT: OD/MR/DD - Col. Devint Center	UNION: OCSEA
MANAGEMENT ADVOCATE: Jill Dible	UNION ADVOCATE: Maxine Hicks

ISSUE

Joint stipulation — Was Grievant suspended for just cause
— 10 days —

AWARD

There is agreement that the grievant was fully reclined in a retractable chair and, by the grievant's own admission, resting her eyes. Reasonableness holds that if the grievant was awake at the time Schaffer visited the area, she should have returned the chair to the unextended position if responded. Given that the medication for sleepiness had from Wednesday until Friday to wear off, that the MD notice states no long term drowsiness consequences and am persuaded that the Krazedone cannot be the reason for the grievant's behavior primarily. The union was unable to overcome the fact that the chair was in full decline which suggest more than a desire to avoid vertigo is that the grievant did not try to wear off drowsiness other than ~~is the~~ by resorting to the recliner. As for 24.05 is not at

ISSUED AT: Columbus Devint Center	ARBITRATOR'S SIGNATURE: <i>Everett</i>
DATE: March 30, 1995	

adds with the minimum discipline imposed in this case
Grievance is accordingly denied.