

ARBITRATION SUMMARY AND AWARD LOG
OCB AWARD NUMBER: 1057 Expedited

OCB GRIEVANT NUMBER: 1.) 35-05-940228-0007-01-03
2.) 35-05-940228-0008-01-05
3.) 35-05-940908-0025-01-03
4.) 35-05-941013-0032-01-03
5.) 35-05-941107-0034-01-03

GRIEVANT NAME: 1.) Tim Neely
2.) Felisha Strode
3.) Gary Wolfe
4.) Gary Wolfe
5.) Sean Tuggle

UNION: OCSEA/AFSCME

DEPARTMENT: Youth Services

ARBITRATOR: Dwight Washington

MANAGEMENT ADVOCATE: 1. & 2.) Barry Braverman
3. - 5.) Brian Walton

2ND CHAIR: Georgia Brokaw

UNION ADVOCATE: Lois Haynes

ARBITRATION DATE: June 28, 1995

DECISION DATE: June 28, 1995

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

**CONTRACT SECTIONS
AND/OR ISSUES:** 1.) 15 day suspension for excessive force.
2.) 10 day suspension for fighting/horseplay.
3.) 15 day suspension for sleeping.
4.) 1 day suspension for failure to follow procedures.
5.) 1 day suspension for failure to follow procedures.

HOLDING: 1.) The Arbitrator reduced the suspension to 7 days because the employer was not able to prove both incidents occurred.
2.) The Arbitrator felt the employer had just cause to issue the suspension.
3.) The facts of the incident were not in dispute. With that in mind, the Arbitrator felt the employer suspension was commensurate with the offense.
4.) The Arbitrator felt that the employer failed to discredit the Grievant's testimony and therefore failed to prove an incident occurred.
5.) The Arbitrator felt that the employer had just cause to issue the suspension.

ARBITRATION BENCH DECISION AND AWARD

Arbitrator: WASHINGTON, DWIGHT A.

State of Ohio

Grievance No. 3505022699-07-01-03

Department

DYS

Grievant

NEELY, TIMOTHY

Union

OCSEA

Date of Hearing

Issue(s):

WAS THE GRIEVANT SUSPENDED FOR JUST CAUSE? IF NOT, WHAT SHALL THE REMEDY BE?

Appearances:

For the Employer:

(Advocate)

BARRY BRAVERMAN

For the Union:

(Advocate)

LOIS HAYNES

AWARD:

THE DECEMBER 19, 1993 INCIDENT REGARDING VIOLATING DYS DIRECTIVES B-19, RULE 24(A) AND RULE 4(C) IS SUSTAINED. THE DECEMBER 20, 1993 INCIDENT THE ARBITRATION FINDS THAT GRIEVANT DID NOT VIOLATE ANY DIRECTIVES OR RULES. BOTH INCIDENTS COMPRISED THE 15 DAY SUSPENSION GIVEN THEREFORE, SINCE ONE OF THE INCIDENTS FOR WHICH DISCIPLINE WAS GIVEN HAS BEEN FOUND UNPROVEN THE SUSPENSION IS REDUCED FOR 15 DAYS TO SEVEN DAYS. GRIEVANT DEERED IN PART.

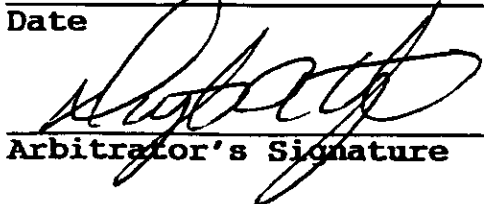
Issued at

TOLSON, OHIO

Date

6-26-95

Arbitrator's Signature



ARBITRATION BENCH DECISION AND AWARD

Arbitrator: WASHINGTON, DWIGHT A.

State of Ohio

Grievance No. 35-05022694 06-01-05

Department

DYS

Grievant

FELISHA STROCK

Union

OCSBA

Date of Hearing

6-28-95

Issue(s):

WAS THE GRIEVANT SUSPENDED FOR
JUST CAUSE? IF NOT, WHAT SHALL THE REMEDY
BE?

Appearances:

For the Employer:

(Advocate)

BARRY BRAVERMAN

For the Union:

(Advocate)

LOIS HAYNES

AWARD:

THE EVIDENCE SUPPORTS THAT A "STRIKING"
occurred within the definition of Rule 23,
therefore the GRIEVANCE is DENIED AND THE
10 day suspension is upheld. HOWEVER, THERE
IS NO EVIDENCE TO SUPPORT A VIOLATION OF
RULE 19 AND AS SUCH THE GRIEVANCE RECORD
SHOULD REFLECT THE SAME.

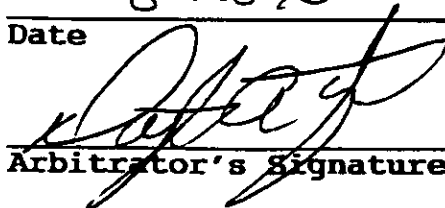
Issued at

6-28-95 Toledo, Ohio

Date

6-28-95

Arbitrator's Signature



ARBITRATION BENCH DECISION AND AWARD

Arbitrator: WASHINGTON, DWIGHT A

State of Ohio

Grievance No. 35-05-940908-0025-01-03

Department YOUTH SERVICES

Grievant WOLFE, GARY E.

Union OCSBA

Date of Hearing 6-28-95

Issue(s): WAS THE 15 DAY SUSPENSION ISSUED TO
GRIEVANT FOR JUST CAUSE? IF NOT, WHAT SHALL
THE REMEDY BE?

Appearances:


For the Employer: (Advocate) BRIAN WALTON

For the Union: (Advocate) LOIS HAYRES

AWARD: THE MITIGATING CIRCUMSTANCES (WORK SCHEDULE,
LOCATION OF RESIDENCE, ETC.) DO NOT SUPPORT A REDUCTION
IN THE SUSPENSION FOR THE GRIEVANT. IT IS CLEAR
THAT THE GRIEVANT WAS SLEEPING WHILE ON DUTY
AND THE POTENTIALLY SERIOUS CONSEQUENCES FOR THE
YOUTH, FOR THE STAFF AND OTHERS WAS DIRECT
AND IMMEDIATE. MOREOVER IN LIGHT OF RECENT DISCI-
PLINE GIVEN TO THE GRIEVANT - THE GRIEVANT IS "DERIBD"

TOLDO, OHIO
Issued at

6-28-95
Date


Arbitrator's Signature

ARBITRATION BENCH DECISION AND AWARD

Arbitrator: ~~35-05-941013-0032-01-03~~

WASHINGTON, DWIGHT A

State of Ohio

Grievance No. 35-05-941013-0032-01-03

Department YOUTH SERVICES

Grievant WOLFE, GARY B

Union OCSEA

Date of Hearing 6-28-95

Issue(s): WAS THE ONE DAY SUSPENSION ISSUED TO GARY WOLFE FOR JUST CAUSE?

Appearances:

For the Employer: (Advocate) BRIAN WAGOR

For the Union: (Advocate) LOIS HAYNES

AWARD: BASED UPON THE EVIDENCE PRESENTED I AM ABLE TO CONCLUDE THAT THE GRIEVANT CONDUCT VIOLATED DYS DIRECTIVE B-19 4(C). THEREFORE THE GRIEVANCE IS SUSTAINED AND THE REMEDY REQUESTED FOR BY THE UNION IS GRANTED.

TOLDO, DAVID
Issued at

6-28-95
Date

[Signature]
Arbitrator's Signature

ARBITRATION BENCH DECISION AND AWARD

Arbitrator: WASHINGTON, DWIGHT A.

State of Ohio

Grievance No. 35-05-941107-0039-01-03

Department DYS

Grievant TUGGLE, SEAN

Union OCSEA

Date of Hearing _____

Issue(s): WAS THE ONE DAY SUSPENSION ISSUED TO
SEAN TUGGLE FOR JUST CAUSE? IF NOT, WHAT
SHALL THE REMEDY BE?

Appearances:

For the Employer: (Advocate) BRIAN WALTON

For the Union: (Advocate) LOIS HAYNES

AWARD: THE EVIDENCE IS UNDISPUTED THAT ON
SEVERAL OCCASIONS THE GRIEVANT PHYSICALLY FORCED
A YOUTH TO ENGAGE IN CERTAIN CONDUCT AGAINST
HIS WILL. AS A RESULT OF THE ABOVE, THE GRIEVANT'S
IS DENIED AND THE ONE DAY SUSPENSION IS UPHOLD.

TOLEDO, OHIO
Issued at

6-28-95
Date

Dwight A. Washington
Arbitrator's Signature