

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 1199 Expedited

OCB GRIEVANT NUMBER:	23-08-961028-1403-01-04
GRIEVANT NAME:	Michelle Gray
UNION:	OCSEA
DEPARTMENT:	Mental Health
ARBITRATOR:	Dwight Washington
MANAGEMENT ADVOCATE:	George Nash
2ND CHAIR:	Rodney Sampson
UNION ADVOCATE:	Steve Wiles
ARBITRATION DATE:	April 14, 1997
DECISION DATE:	April 14, 1997
DECISION:	Granted
CONTRACT SECTIONS	2 day Suspension
HOLDING:	The employer did not meet their burden of proof. Grievance is granted.
COST:	\$

BENCH DECISION AND AWARD

ARBITRATOR: <u>DONALD A. WASHINGTON</u>	HEARING DATE: <u>APRIL 19, 1997</u>
GRIEVANT: <u>MICHELLE GRAY</u>	GRIEVANCE #: <u>23-08-961028-1403-01-04</u>
DEPARTMENT: <u>MENTAL HEALTH</u>	UNION: <u>OCSBA</u>
MANAGEMENT ADVOCATE: <u>GEORGE NASH</u>	UNION ADVOCATE: <u>STEVE WILES</u>

ISSUE

WAS THE TWO (2) DAY SUSPENSION GIVEN TO M. GRAY FOR JUST CAUSE PER ARTICLE 29.

AWARD

THE GRIEVANT WAS SUSPENDED FOR TWO (2) DAYS FOR ABSENT DUTY FOR THE FOLLOWING REASON: WATCHING TV; BECAME VERBALLY LOUD TO THE POINT OF AWAKENING PATIENTS, AND IN AN AREA WHERE NO VISUAL OR VERBAL COMMUNICATION WITH YOUR SUPERVISOR WAS POSSIBLE. THE EVIDENCE FAILS TO SUPPORT THAT THE GRIEVANT WAS WATCHING TV OR THAT HER SUPERVISOR AWAKENED ANY PATIENTS OR 6-26-76 AROUND 5:00 A.M. MOREOVER THE EVIDENCE INDICATES THAT THE GRIEVANT IS SUPPOSED TO AVOID BEING AT ALL TIMES FOR COMMUNICATION WITH HER SUPERVISOR. THE GRIEVANCES AND THE REMEDY SENT BY THE UNION IS GRANTED.

ISSUED AT: DAYTON, OHIO
DATE: 4-14-97

ARBITRATOR'S SIGNATURE: [Signature]