

**ARBITRATION SUMMARY AND AWARD LOG**

**OCB AWARD NUMBER: 1296 Expedited**

**OCB GRIEVANT NUMBER:** 1) 24-04-960729-0734-01-04  
2) 24-04-950120-0654-01-04

**GRIEVANT NAME:** 1) Pauline Hartwig  
2) Ralph McMillen

**UNION:** OCSEA

**DEPARTMENT:** MR/DD

**ARBITRATOR:** Anna Smith

**MANAGEMENT ADVOCATE:** Toni Brokaw

**2ND CHAIR:** Lou Kitchen

**UNION ADVOCATE:** Steve Wiles

**ARBITRATION DATE:** June 16, 1998

**DECISION DATE:** June 16, 1998

**DECISION:** 1) Modified  
2) Denied

**CONTRACT SECTIONS** 1) 6 Day Suspension  
2) 2 Day Suspension

**HOLDING:** 1) The six (6) day suspension was not for just cause, with respect to the charge of unapproved behavior intervention. The Arbitrator did not feel it was clear whether the client's own action caused him to go to the floor before the second TPW could assist. This charge will be expunged from the grievant's record. However, Arbitrator Smith did feel there was sufficient proof to warrant discipline for improper conduct. A two (2) day suspension was imposed for this infraction. The grievant's record will be changed to reflect the two day suspension and she will be granted four (4) days backpay and benefits  
2) Arbitrator Smith found that there was convincing evidence that the 2-day suspension was for just cause.

**Arb Cost:**

## BENCH DECISION AND AWARD

ARBITRATOR: Anna DuVal Smith

HEARING DATE: June 16, 1998

GRIEVANT: Pauline Hartwig

GRIEVANCE #: 24-04-900729-0734-010

DEPARTMENT: MRIDD

UNION: OCSEA / AFSCME

MANAGEMENT  
ADVOCATE: Toni BrotawUNION  
ADVOCATE: Steve Wiles

## ISSUE

Was the grievant's six (6) day suspension for just cause?  
If not, what shall the remedy be?

## AWARD

The grievant's 6-day suspension was not for just cause. With respect to the charge of unapproved behavior intervention, it is not clear whether the client's own action caused him to go to the floor before the second TAW could assist. This charge will be expunged from the <sup>grievant's</sup> record. There is cause, however, for discipline for improper conduct. A 2-day suspension is sufficiently corrective. The grievant's record will so reflect this and she will be granted 4 days pay and benefits.

ISSUED AT: Guilford County, NC  
DATE: June 16, 1998

ARBITRATOR'S  
SIGNATURE:

Anna DuVal Smith

#1296

## BENCH DECISION AND AWARD

ARBITRATOR: Anna Della Smith

HEARING DATE: June 16, 1998

GRIEVANT: Ralph McMillen

GRIEVANCE #: 24-04-950120-005424-04

DEPARTMENT: MR/DD

UNION: OLSFA/AFSCME

MANAGEMENT  
ADVOCATE: Toni BorrowsUNION  
ADVOCATE: Steve Wilkes

## ISSUE

Was The grievant's two (2), day suspension for just cause?  
If not, what shall the remedy be?

## AWARD

There was just cause for the 2 day suspension. There was  
convincing evidence of wrongdoing. The investigation  
was not proven to be tainted, and the discipline was  
progressive. Grievance denied.

ISSUED AT: Owensby, County, Ohio  
DATE: June 16, 1998

ARBITRATOR'S  
SIGNATURE: Anna Della Smith