

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 1299Expedited

OCB GRIEVANT NUMBER: 1) 27-15-971212-0509-01-03-S
2) 27-15-971028-0490-01-03-SX

GRIEVANT NAME: 1) Kami Hodge
2) Mark Morales

UNION: OCSEA

DEPARTMENT: Rehabilitation & Corrections

ARBITRATOR: Craig Allen

MANAGEMENT ADVOCATE: Ken Weimer
2ND CHAIR: Cindy Sovell-Klein

UNION ADVOCATE: George Yerkes

ARBITRATION DATE: June 24, 1998

DECISION DATE: June 24, 1998

DECISION: 1) Sustained
2) Upheld

CONTRACT SECTIONS 1) 5 Day Suspension
2) 1 Day Fine

HOLDING: 1) The grievant was sustained because the Arbitrator ruled that the condition the Grievant complained about was listed on her FMLA form. Additionally, the doctor's statement and the Physician's Desk Reference (PDR) show that the medication prescribed for her migraine headaches causes drowsiness. 2) The Grievant was disciplined for failing to follow call-in procedures. However, a letter was submitted from the Chief of Labor Relations to the Executive Director of the Union which states that there will be no discipline in tardiness.

COST: \$

BENCH DECISION AND AWARD

ARBITRATOR: Craig A. Allen

HEARING DATE: June 24, 1998

GRIEVANT: Kami Hodge

GRIEVANCE #: 27-1564-22-881559-01-03

DEPARTMENT: Corrections

UNION: OCSEA

MANAGEMENT
ADVOCATE: Ken WeinerUNION
ADVOCATE: George L. Yarker**ISSUE**

Was the 5 day suspension for just
cause?

AWARD

I grant the grievance. The contract at 29.03 provides for unusual extenuating circumstances. This certainly seems like such a case. The condition complained of by But is that listed on her FMLA form. In addition the Dr's statement as well as the PDE exhibit show the drug causes these side effects. Further Union Exhibit 2 shows But's request for sick leave shows the absence was per FMLA and it was approved.

 ISSUED AT: Madison CI
 DATE: June 24, 1998

 ARBITRATOR'S
 SIGNATURE:

Craig A. Allen

BENCH DECISION AND AWARD

ARBITRATOR: Craig A. Allen

HEARING DATE: June 24, 1998

GRIEVANT: Mark Morales

GRIEVANCE #: 27-15 (10-28-97) 496-01-03

DEPARTMENT: Corrections

UNION: OCSEA

MANAGEMENT
ADVOCATE: Ken L. LeminUNION
ADVOCATE: George L. Yerkes**ISSUE**

Was the one day fine for just
Cause?

AWARD

I uphold the grievance and reduce to a
written reprimand Joint Ex 9 - The call-in procedure
refers to employees who are sick. The Grievant has
admitted to being guilty of the 2 (c) violation
In addition Joint Ex 24 - The letter from
the Chief of Labor Relations to the Executive Director
of the Union says there will be no discipline in
sickness cases for failure to follow the call-in
procedure

ISSUED AT: Madison CI
DATE: June 24, 1998

ARBITRATOR'S
SIGNATURE: Craig Allen