

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 1303 Expedited

OCB GRIEVANT NUMBER: 1) 25-12-971003-0039-01-06
2) 25-18-970821-0003-01-09
3) 25-08-960715-0018-01-14-S

GRIEVANT NAME: 1) Williamson, John
2) Nnadi, Stanley
✓ 3) Lopez, Maria

UNION: OCSEA

DEPARTMENT: Dept. of Natural Resources

ARBITRATOR: Sandra Furman

MANAGEMENT ADVOCATE: 1) Don Starr
2) Jon Weiser
3) Greg Rees

2ND CHAIR: Heather Resse

UNION ADVOCATE: Maxine Hicks

ARBITRATION DATE: July 17, 1998

DECISION DATE: July 17, 1998

DECISION: 1) Modified
2) Denied
3) Sustained in part

CONTRACT SECTIONS 1) 1 Day Fine
2) 10 Day Suspension
3) 5 Day Suspension

HOLDING: 1) Arbitrator Furman reduced the one day fine the Grievant received for using obscene, insulting or abusive language towards an employee and failure of good behavior, to a written reprimand because of his long tenure. 2) The Arbitrator felt that management failed to meet its burden of prove in the insubordination charge. However, the Employer did prove the charges of failure of good behavior and threat of physical violence. The grievance was denied. The Grievant was charged with failure to report off. Arbitrator Furman felt that the Grievant had a casual attitude about notifying the supervisor of her whereabouts. The 5 day suspension was modified to a 4 day suspension.

COST: \$

#1303

BENCH DECISION AND AWARD

ARBITRATOR:

FURMAN

HEARING DATE:

7-17-98

GRIEVANT:

Maria Lopez ^{tenorio}

GRIEVANCE #:

25-08-(715-96)+801-14

DEPARTMENT:

CDUR

UNION:

OSEA Local 11

MANAGEMENT
ADVOCATE:

Greg Rees

UNION
ADVOCATE:

Maxine Hubs

ISSUE

SOP: Was 5 day suspension for just cause? If not, what is the appropriate remedy?

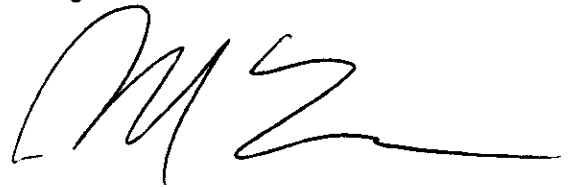
AWARD

The issue in this case is the appropriateness of a 5 day suspension for ^{alleged} failure to report off, from 10:30 am to 3 pm, on 5-14-96. Grievant ~~called~~ called off at 8:30 am and said she would be in 2 hr. She requested personal leave. What happened next is in some dispute: management claims no further contact was made by Grievant until 3 pm; Grievant claims to be a second attempt to call in and a pre-existing arrangement with her supervisor concerning a "relaxing" of her usual requirement

ISSUED AT:
DATE:7-17-98 ^{Cole's date}ARBITRATOR'S
SIGNATURE:

I am modifying the five day suspension to a
4 day suspension, ~~and the suspension is hereby~~
~~modified to a four day suspension~~
~~and the suspension is hereby~~

The Grievance is sustained in part; the five day
suspension is modified to a four day suspension.
It is so hereby ordered.



7-17-98

#1303

BENCH DECISION AND AWARD

ARBITRATOR:

FURMAN

HEARING DATE:

7-17-98

GRIEVANT:

John Williamson

GRIEVANCE #: 75-12-971003-039-01-00

DEPARTMENT:

ODNR

UNION:

OCEA Local 11

MANAGEMENT
ADVOCATE:

Don Starr

UNION
ADVOCATE:

Maxine Hicks

ISSUE

Was the discipline of a one day fine issued to John Williamson for just cause? If not, what is the appropriate remedy?

AWARD

Grievant was charged with directly obscene, insulting or abusive language towards an employee and failure of good behavior. Each side had full opportunity to present witnesses and evidence within the contractual framework. The arbitrator finds that Management failed to sustain its burden of proof that Williamson used any obscene language. There was no direct evidence presented that he called anyone a "moron", ~~say other~~ ~~dispute word~~. The arbitrator cannot give ^{much} weight to the hearsay statements as to that allegation, although she is troubled

ISSUED AT:

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DATE:

7-17-98

ARBITRATOR'S
SIGNATURE:


#1303

BENCH DECISION AND AWARD

ARBITRATOR:

FURMAN

HEARING DATE:

7-17-98

GRIEVANT:

Stanley ~~Ad~~ ^{Maadi}

GRIEVANCE #:

05-18-08-21-97-01-09

DEPARTMENT:

AMR

UNION:

OSEA Local 11

MANAGEMENT
ADVOCATE:

Jon Weiser

UNION
ADVOCATE:

Maxine Hies

ISSUE

The parties stipulated as follows. Was the 10 day suspension that was imposed on the Grievant, Stanley Maadi, for just cause? If not, what is the appropriate remedy?

AWARD

The matter gave rise to the discipline being challenged by the Union occurred on July 16, 1997. Management presented three witnesses to substantiate its four charges. Corey Brown, Grievant's immediate supervisor, testified as to the specifics of a confrontation in his office that was overheard in part by three other persons. Two of the others were co-workers, one of whom testified (Emory Jones) ^{he was a witness of the AMR}. The statement of the other employee witness was admitted as part of the "trial". The arbitrator rules that it is ~~hearing~~ and was not

ISSUED AT:
DATE:

7-17-98

ARBITRATOR'S
SIGNATURE:

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Violence. All parties need to understand that
workplace violence is not ~~even~~ ~~remote~~ a hypothetical
event, but ~~can~~ ^{can}, tragically, be ~~a~~ real and catastrophic.

Due to the severity of the language and conduct used on
July 17, 1997, ^{recent} ~~disruptive~~ ^{disruptive} as well as Grierant's utter lack of
recognition ^{of his part} and remorse, The Arbitrator
denies the Grierant's

AMZ