

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 1308 Expedited

OCB GRIEVANT NUMBER: 1) 24-15-960513-0473-01-04-S
2) 24-15-970307-0523-01-04-S
3) 24-14-970630-1732-01-09-SX

GRIEVANT NAME: 1) Mabel Bogan
2) Ruth Aaron
3) Karen Todd

UNION: OCSEA

DEPARTMENT: MR/DD

ARBITRATOR: Robert Stein

MANAGEMENT ADVOCATE: Carolyn Borden-Collins

2ND CHAIR: Rhonda Bell

UNION ADVOCATE: Dennis Falcione

ARBITRATION DATE: August 11, 1998

DECISION DATE: August 11, 1998

DECISION: 1) Sustained 3) Sustained in part/Denied in Part
2) Not arbitrable

CONTRACT SECTIONS 1) 2 Day Suspension
2) 2 Day Suspension
3) 2 Day Suspension

HOLDING: 1) Arbitrator Stein ruled that the Employer violated its own overtime policy and guidelines. The discipline is to be removed from the Grievant's file and she is to receive two (2) days back pay at the appropriate rate of pay. 2) The grievance was found to be non-arbitrable based upon the procedural defect of timeliness. 3) The two day suspension is reduced to a one day suspension. Arbitrator Stein found the evidence and testimony did support the Employer's charge of "Improper Conduct". The Grievant was found to have provoked the conversation and shared responsibility for it getting out of hand. However, the Employer had a supervisor who was involved in the incident do part of the investigation.

COST: \$

BENCH DECISION AND AWARD

ARBITRATOR: ROIS STEIN

HEARING DATE: 8/11/98

GRIEVANT: MAIBLE BOGAN

GRIEVANCE #: 24-15-(05-13-96)-473-01-04

DEPARTMENT: MRDD

UNION: OCSEA

MANAGEMENT ADVOCATE: Carolyn S. Borden-Coile

UNION ADVOCATE: Dennis Falcione

ISSUE

2 day suspension

AWARD

Grievance sustained. The discipline to be removed from Ms. Bogan's file and she is to receive two (2) days' back pay at the appropriate rate of pay.

I find the Employer violated its own OT policy and guidelines. The key phrase appears in Sec F last sentence. "... when mandated to do so may result in disciplinary action (See Attachment "B"). Management has the right to create rules, but is obligated to follow them under normal operating conditions.

IS AT: 8-11-98

ARBITRATOR'S SIGNATURE: [Signature]

BENCH DECISION AND AWARD

ARBITRATOR: ROB STEIN

HEARING DATE: 8/11/98

GRIEVANT: RUTH Aaron

GRIEVANCE #: 24-15-(03-07-97)-523-01-26

DEPARTMENT: MRDD

UNION: OCSEA

MANAGEMENT
ADVOCATE: Carolyn S. Bordin-Pollim

UNION
ADVOCATE: Dennis Felicione

ISSUE

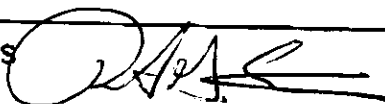
Arbitrability of grievance

AWARD

The grievance is not arbitrable based upon the procedural defect of timeliness.

ISSUED AT: Waukegan
DATE:

ARBITRATOR'S
SIGNATURE:



BENCH DECISION AND AWARD

ARBITRATOR: BOB STEIN

HEARING DATE: 8/11/98

GRIEVANT: KAREN TODD

GRIEVANCE #: 24-14-970630-1732-01-09

DEPARTMENT: MRDD

UNION: OCSEA

MANAGEMENT ADVOCATE: CAROLYN S. BORDER-COLLINS

UNION ADVOCATE: DENNIS FALCIONE

ISSUE

2 day suspension

AWARD

Grievance sustained in part and denied in part. The 2 day suspension is reduced to a one day suspension. I find the evidence and testimony supports the Employer's charge of "Improper Conduct" for hanging up twice on an outside caller. I also find that

Ms. Todd provoked this conversation and shares responsibility for it getting out of hand. She could have avoided this situation.

However, the Employer did not validate Mr. Sugg's statement and improperly had a supervisor who was involved with the incident do this part of the investigation.

I find that the charge of the Grievant being unbecomingly offensive to Mr. Edmundson was not proven. Mr. Edmundson's testimony during the hearing was substantially different than his statement of 4-22-97. He testified the Grievant just made the statement that appears in quotes and denied she made any other statements. Mr. Edmundson's credibility is in question in this matter as a result of this inconsistency.

ISSUED AT: Waverlyville

ARBITRATOR'S SIGNATURE: [Signature]

* Grievant to be paid one day of back pay

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