

**ARBITRATION SUMMARY AND AWARD LOG**

**OCB AWARD NUMBER: Expedited 1321**

**OCB GRIEVANCE NUMBER:** 1) 27-25-961126-1167-02-11  
2) 27-25-970430-1241-02-11

**GRIEVANT NAME:** 1) April Majors  
2) April Majors

**UNION:** District 1199, SEIU

**DEPARTMENT:** Department of Rehabilitation and Correction

**ARBITRATOR:** Mitchell B. Goldberg

**MANAGEMENT ADVOCATE:** 1) Camille Wilson  
2) Wendy F. Clark

**2ND CHAIR:**

**UNION ADVOCATE:** Harry Proctor

**ARBITRATION DATE:** October 9, 1998

**DECISION DATE:** October 9, 1998

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

**CONTRACT SECTIONS:** 1) 8, 8.02  
2) 8, 8.02

**HOLDING:**

Case 1. "The grievance is DENIED. A two-day suspension is somewhat high for a first offense. However, the practice of preparing psycho-tropic medications 24 hours in advance (especially in liquid form) and not adequately protecting and securing the other medications in the K-5 area were practices so far below standard for security in a penal institution that a suspension could be warranted under the circumstances presented in this case."

Case 2. "The grievance is sustained in part and denied in part. The 5-day suspension for the 12-29-96 incident is modified and reduced to a written reprimand. The main charge related to this was the rule 22 violation but this was later withdrawn by Management. The remaining suspensions shall stand. The Grievant is entitled to receive 5 days of back pay and benefits as the result of this award.

**COST:** \$737.95

#1321

## BENCH DECISION AND AWARD

ARBITRATOR: MITCHELL B. GOLDBERG

HEARING DATE: 10-9-98

GRIEVANT: APRIL MAJORS

GRIEVANCE #: 27-25(11-26-96)-1167-02-11

DEPARTMENT: ODRL

UNION: DISTRICT 1199 SEIU

MANAGEMENT  
ADVOCATE: CAMILLE WILSONUNION  
ADVOCATE: HARRY PROCTOR

## ISSUE

WAS THE GRIEVANT DISCIPLINED FOR JUST CAUSE? IF  
NOT, WHAT SHALL THE REMEDY BE?

## AWARD

THE GRIEVANCE IS DENIED. A two-day suspension is  
SOMEWHAT HIGH FOR A FIRST OFFENSE. HOWEVER, THE PRACTICE OF  
PREPARING PSYCHO-TROPIC MEDICATIONS 24 HOURS IN ADVANCE (ESPECIALLY  
IN LIQUID FORM) AND NOT ADEQUATELY PROTECTING AND SECURING  
THE OTHER MEDICATIONS IN THE K-5 AREA WERE PRACTICES  
SO FAR BELOW STANDARD FOR SECURITY IN A PENAL INSTITUTION  
THAT A SUSPENSION COULD BE WARRANTED UNDER THE  
CIRCUMSTANCES PRESENTED IN THIS CASE.

ISSUED AT:  
DATE:

10-12-98

ARBITRATOR'S  
SIGNATURE:

Mitchell B. Goldberg

#1321

**BENCH DECISION AND AWARD**

ARBITRATOR: MITCHELL B. GOLDBERG

HEARING DATE: 10-9-98

GRIEVANT: APRIL MAJORS

GRIEVANCE #: 27-25-(4-30-97)-1241-02-11

DEPARTMENT: ODRC

UNION: DISTRICT 1199, SEIU

MANAGEMENT  
ADVOCATE: WENDY F. CLARKUNION  
ADVOCATE: HARRY PROCTOR**ISSUE**

WAS THE GRIEVANT DISCIPLINED FOR JUST CAUSE? IF  
NOT, WHAT SHALL THE REMEDY BE?

**AWARD**

THE GRIEVANCE IS SUSTAINED IN PART AND DENIED IN PART.  
THE 5-DAY SUSPENSION FOR THE 12-29-96 INCIDENT IS MODIFIED AND  
REDUCED TO A WRITTEN REPRIMAND. THE MAIN CHARGE RELATED TO THIS  
WAS THE RULE 22 VIOLATION BUT THIS WAS LATER WITHDRAWN BY  
MANAGEMENT. THE REMAINING SUSPENSIONS SHALL STAND. THE  
GRIEVANT IS ENTITLED TO RECEIVE 5-DAYS OF BACK PAY  
AND BENEFITS AS THE RESULT OF THIS AWARD.

ISSUED AT:  
DATE:

10-12-98

ARBITRATOR'S  
SIGNATURE:

Mitchell B. Goldberg