

**ARBITRATION SUMMARY AND AWARD LOG**

**OCB AWARD NUMBER: 1335 Expedited**

**OCB GRIEVANCE NUMBER:** 1) 24-14-980331-1865-01-04-S  
2) 24-15-971104-0555-01-04-S

**GRIEVANT NAME:** 1) Keys, Michael A.  
2) David, Howard

**UNION:** OCSEA/AFSCME Local 11

**DEPARTMENT:** Mental Retardation

**ARBITRATOR:** Robert L. Stein

**MANAGEMENT ADVOCATE:** 1) Brian Walton  
2) Carolyn Borden-Collins

**2ND CHAIR:**

**UNION ADVOCATE:** Dennis Falcone

**ARBITRATION DATE:** December 14, 1998

**DECISION DATE:** December 14, 1998

**DECISION:** 1) DENIED  
2) DENIED

**CONTRACT SECTIONS:** 1) 24.01, 24.04, 2.02  
2) 24.00

**HOLDING:** 1) Grievance was DENIED. Grievant was charged with Unapproved Behavior Intervention/Inconsiderate Treatment after he was observed over a two-day period ignoring the needs of the clients he was assigned to assist. Arbitrator Stein found that the witnesses for the Employer were credible, that the Grievant had notice that his behavior was inappropriate, and that the violation was aggravated because it took place in public.

2) Arbitrator Stein found that this grievance was untimely.

**COST:** \$

#1335

**BENCH DECISION AND AWARD**

ARBITRATOR: ROBERT STEIN

HEARING DATE: 12/14/98

GRIEVANT: Howard Davis

GRIEVANCE #: 24 15 555 0104

DEPARTMENT: MRDD

UNION: OCSEA

MANAGEMENT  
ADVOCATE: Carolyn Bowden CollinsUNION  
ADVOCATE: Dennis Falcone**ISSUE**

Arbitrability

**AWARD**

Grievance is untimely.

ISSUED AT: WDC  
DATE: 12/14/98ARBITRATOR'S  
SIGNATURE: 

**BENCH DECISION AND AWARD**

ARBITRATOR: Robert Stein

HEARING DATE: 12/14/98

GRIEVANT: Michael Key

GRIEVANCE #: 24-14 (983103) 1865-01-04

DEPARTMENT: MRDD

UNION: OCSEA

MANAGEMENT  
ADVOCATE: Brian WaltonUNION  
ADVOCATE: Dennis Falcone**ISSUE**

2 day suspension

**AWARD**

Grievance denied. Witnesses for the Employee were credible and had no reason to lie. It is my opinion that Mr. Key's behavior on 1/20/98 and 1/22/98 went beyond a failure of good judgement. Mr. Key is a 17 year veteran and should be very experienced with MRDD residents. The Grievant's past record of discipline for a similar offense should have also put him on notice regarding inconsiderate treatment of residents. The evidence and testimony from 3 distinct management witnesses proves that Mr. Key treated 2 residents in an inconsiderate manner in public. This not only hurts the

ISSUED AT: Williamsville Cntr.  
DATE: 12/14/98ARBITRATOR'S  
SIGNATURE:

Robert Stein

resident, but reflect poorly on the Department.