

BENCH DECISION AND AWARD

ARBITRATOR: Robert Stein	HEARING DATE: 4/19/99
GRIEVANT: Laura Williams	GRIEVANCE #: 35-23(03-18-97)21-
DEPARTMENT: D45	01-03 UNION: OCSEA
MANAGEMENT ADVOCATE: Brad Rahn	UNION ADVOCATE: James Argeni

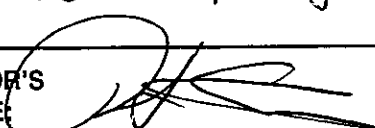
ISSUE

5 day suspension

AWARD

Stipulated Award. The Employer has the right to mandate overtime providing it follows its own procedure. The Employer has the right to give a direct order to work mandated overtime. If a direct order is given, with forewarning of the consequences, the employee may be subject to discipline for insubordination if he/she refuses to work the mandated overtime. (i.e. work now and grieve later). The five day suspension is to be removed from the Grievant's record in this case. She shall be paid five (5) days pay at the appropriate rate.

ISSUED AT: OCSEA
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ARBITRATOR'S
SIGNATURE: 

#1364ex

BENCH DECISION AND AWARD

ARBITRATOR: Robert Stein

HEARING DATE: 4/19/99

GRIEVANT: Tod Pennington

GRIEVANCE #: 3504980618-0180-01-08

DEPARTMENT: DYS

UNION: OCSEA

MANAGEMENT
ADVOCATE: Barry Braverman

UNION
ADVOCATE: Jim McElvain

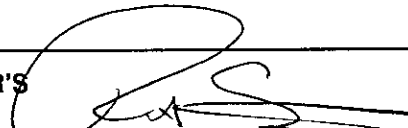
ISSUE

5 day suspension

AWARD

Grievance sustained. The Employer failed to provide clear and convincing evidence that the Grievant used excessive physical force on youth wheeled on 2-27-98. It should be noted however, that the Grievant exercised poor judgement by moving toward the youth who was in an agitated state of behavior. The Grievant's behavior exacerbated an already difficult situation. The Grievant is to be made whole for all back pay and benefits.

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BENCH DECISION AND AWARD

ARBITRATOR:

Robert Stein

HEARING DATE:

4/19/99

GRIEVANT:

Lennie Smellwood

GRIEVANCE #:

35-19 (01-21-98)01-0109

DEPARTMENT:

DYS

UNION:

OCSEA

MANAGEMENT
ADVOCATE:

Brad Rahr

UNION

ADVOCATE:

James Pagani

ISSUE

15 day suspension.

AWARD

Grievance denied. I find that given the circumstances of this case that Mr. Smellwood had at least equal responsibility for the escape of 10-22-99. Question #7 of the interview questions asked Mr. Smellwood if he was monitoring Youth Vieira while he was completing his details. Mr. Smellwood stated, "I monitored youth Vieira from the Juvenile Correctional Officer desk area on the South unit." Both JCO's should have ~~been~~ ^{better-coordinated} their monitoring efforts to watch one youth.

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BENCH DECISION AND AWARD

ARBITRATOR: Robert Stein

HEARING DATE: 4/19/99

GRIEVANT: Darren Bradley

GRIEVANCE #: 35-20 (98-07-29)
0048 - 01 - 03

DEPARTMENT: DYS

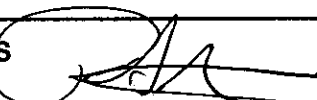
UNION: OCSEA

MANAGEMENT
ADVOCATE: Brad RahrUNION
ADVOCATE: DAVID Justice**ISSUE**

5 day suspension

AWARD

Grievance denied. The business of the Department of Youth Services begins with and depends upon the concept of "control." I find that in the instant matter (4-28-98) the grievant did not exercise self control. This lack of self control (as expressly called for in the practice of "Aikido") was a major factor in the use of excessive physical force in this situation.

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BENCH DECISION AND AWARD

ARBITRATOR: Robert Stein	HEARING DATE: 4/19/99
GRIEVANT: Shella Jones	GRIEVANCE #: 35-07-980521-0017 01-03
DEPARTMENT: Dys	UNION: OCSEA
MANAGEMENT ADVOCATE: Bred Rahn	UNION ADVOCATE: James Pagan

ISSUE

Arbitrability.

AWARD

If the Union can produce a letter (copy) that validated that OCSEA computer generated a letter to OCB on 2/1/99, the above listed grievance is arbitrable. If a copy of the letter cannot be produced by 5:00pm on April 26, 1999, the grievance is not arbitrable. If arbitrable the grievance shall be scheduled for arbitration.

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SIGNATURE:
