

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: #1374 expedited

OCB GRIEVANCE NUMBER: 14-00-981117-0255-01-13

GRIEVANT NAME: William Hayward

UNION: OCSEA/AFSCME Local 11

DEPARTMENT: Ohio Department of Health

ARBITRATOR: Dr. Everett Freeman

MANAGEMENT ADVOCATE: Chris Keppler

2ND CHAIR: Jim Lendavic

UNION ADVOCATE: Lynn Kemp

ARBITRATION DATE: June 15, 1999

DECISION DATE: June 15, 1999

DECISION: MODIFIED

CONTRACT SECTIONS:

HOLDING: Grievance was MODIFIED.

COST: \$

#1374 expedited

BENCH DECISION AND AWARD

ARBITRATOR: Dr. Everette Freeman

HEARING DATE: June 15, 1999

GRIEVANT: William Hayward

GRIEVANCE #: 14-00-981117-255-01-13

DEPARTMENT: ODH-

UNION: OCSEA

MANAGEMENT
ADVOCATE: Chris KepplerUNION
ADVOCATE: Lynn Kemp**ISSUE**

Was grievant William Hayward's 10 Day Suspension for just cause, and if not, what shall the remedy be?

AWARD

The first issue is whether the grievant met the June 19th deadline for submitting his delinquent survey reports, a deadline extended until June 24th. The Arbitrator finds that management made reasonable accommodations to permit the grievant to meet the published deadline. The testimony and evidence indicate that the grievant did not fully and completely meet the deadline and, indeed, did not exercise a degree of diligence that the deadline mandated by alerting or consulting with his supervisor as to the status of said reports as the deadline approached. The Arbitrator cannot endorse the Union's contention that the reports were finished and ready for public display and filing merely because these reports had been given to staff support for typing. Given the lateness of the reports initially and the grievant's declaration that they were his priority, great care should have been taken by the grievant to see to it that Golden's expectations of completeness were satisfied; not his own.

see attached sheet.

ISSUED AT:
DATE:

June 15, 1999

ARBITRATOR'S
SIGNATURE:

page 2. Bench Award

William Hayward # 14-00-98117-255-

01-13

While the record shows lax utilization of the sign in/out sheet by others in a few instances, the grievant - mindful of his previous discipline - should have exercised extreme diligence in securing his signature on every sign in/out date and making certain that all instances were complete and accurate. The Arbitrator unfortunately cannot support the claim of forgetfulness in this instance.

The Arbitrator is not convinced the grievant falsified his ~~time and attendance as well as~~ ^{time and attendance as well as} activity reports or logs. The grievant however has failed to produce a record of requests for flexible time to counter the management claim that tardiness and absences were without approval. Again, given the discipline history of the grievant, flex-time approval should have been sought and was not.

The fundamental SPS job expectations are embedded in the job description and practice of the ODTT. It is not unreasonable to expect timely, complete, accurate survey reports and thoroughgoing attention to every aspect of ~~the~~ work responsibilities by all SPSs. On balance, the discipline imposed was just except with respect to record falsification.

Accordingly, the Arbitrator reduces the
10 day suspension to 7 days.

 Ernest

June 15, 1999