

#1375ex

BENCH DECISION AND AWARD

ARBITRATOR: Robert Stein

HEARING DATE: 6/23/99

GRIEVANT: Jacqueline McDonald

GRIEVANCE #: 28-05-970407-0083-01-09-S

DEPARTMENT: DR & C

UNION: OCSEA

MANAGEMENT
ADVOCATE: Rhonda G. BellUNION
ADVOCATE: Lynn Belcher**ISSUE**

5 day suspension

AWARD

Grievance denied. I find that the State proved its case in this matter and that the Grievant violated Rules 1 and 5B. The Grievant's affirmative defense that she was unaware of Mr. Wade's theft of her pay stub is unbelievable. It is highly unlikely that Mr. Wade could have orchestrated this scheme without the cooperation of the Grievant.

ISSUED AT:
DATE:OCB
6/23/99ARBITRATOR'S
SIGNATURE:

#1375ex

BENCH DECISION AND AWARD

ARBITRATOR: Robert Stein

HEARING DATE: 6/23/99

GRIEVANT: Jacqueline McDonald

GRIEVANCE #: 28-05-980130-0094-0

DEPARTMENT: DR & C

UNION: OCSEA

MANAGEMENT ADVOCATE: Rhonda Beel

UNION ADVOCATE: Lynn Belcher

ISSUE

5 day suspension.

AWARD

Grievance denied. There are simply too many inexplicable events in this matter that point to the Grievant's lack of credibility. Dishonesty and falsification are very serious matters. They impact the ability of an employer to trust what an employee does in all aspects of his/her work.

A single incident of dishonesty is often sufficient to bring about mistrust. In the instant matter, the Employer proved that on more than one occasion the Grievant was dishonest.

ISSUED AT: OCB

DATE: 6/23/99

ARBITRATOR'S SIGNATURE: 

#1375 ex

BENCH DECISION AND AWARD

ARBITRATOR: Robert Fein

HEARING DATE: 6/23/99

GRIEVANT: Jacqueline McDonald

GRIEVANCE #: 98-2805980915009801
09.

DEPARTMENT: DR & C

UNION: OCSEA

MANAGEMENT
ADVOCATE: Rhonda BeelUNION
ADVOCATE: Lynn Beelchew.**ISSUE**

1 day suspension

AWARD

Grievance sustained in part. The Grievant's 1 day suspension is reduced to a written warning and she is to receive 1 day's back pay at the appropriate rate of pay. I find that the Grievant's actions must be placed within the context of the environment of the Heaton Rd office. At the time of the incident a high level of tension existed based upon perceptions of unequal treatment. In addition, the office tolerated an unusual level of human negativism. I find that management must bear responsibility for the confrontational and divisive conduct that existed in the office.

ISSUED AT: OCB
DATE: 6/23/99ARBITRATOR'S
SIGNATURE: 

Grievance Number: 28-05-970407-0083-01-09-S

MCDONALD, JACQUELINE

1) Grievance was DENIED. An apartment complex employee contacted a Payroll Officer within the Adult Parole Authority ("APA") to verify the employment of Ms. W who was seeking to rent an apartment. Ms. W had given a paystub to the apartment complex employee to confirm her ability to pay for the apartment. The apartment employee became suspicious when she noticed that the name on the paystub had been altered. APA discovered that the paystub belonged to the Grievant, not Ms. W. APA contacted the apartment complex employee and asked her to phone the number she had been given to verify the alleged employee's status. The Grievant answered the call from the apartment complex and stated she was Ms. W's supervisor and that Ms. W was employed with APA. (Ms. W was not employed by APA.) The Grievant also gave Ms. W's supposed length of service and rate of pay. After further investigation, APA discovered Ms. W was the Grievant's cousin.

The Grievant was charged with violation of Rules #1 (Any violation of Ohio Revised Code 124.34, dishonesty) and #5B (misuse of state telephones), and subsequently suspended for five days. The Union argued that the Grievant had no involvement in this incident. It argued the Grievant's cousin implemented the scheme entirely on her own, without the Grievant's knowledge.

The Arbitrator found the Grievant's claim that her cousin stole the paystub without her knowledge to be unbelievable. He also found it "highly unlikely that Ms. [W] could have orchestrated this scheme without the cooperation of the Grievant." The Arbitrator denied the grievance in its entirety.

Grievance Number: 28-05-980130-0094-01-09-S

MCDONALD, JACQUELINE

Grievant was charged with violations of Rule #1 (Any violation of O.R.C. 124.34, dishonesty), #2C (Tardiness), #3B (Absenteeism - Failure to notify a supervisor of absence or follow call-in procedure), #3C (Absenteeism - Failure to submit a completed Request for Leave form within a specified time), #6 (Insubordination), and #22 (Falsifying, altering, or removing any official document). The Employer charged the Grievant with these violations after she repeatedly came to work late, did not call-in on days when she would be absent, did not submit Request for Leave forms to verify her absences, and put down fictitious starting times in the sign-in book on days she was late to work.

The Union argued the Grievant's violations were mitigated by the fact that her son was ill with diabetes. The doctor had changed the time for the son's insulin shots and this caused the Grievant to be unable to be at work on time. The Grievant had requested a flexible schedule to accommodate her son's medical needs, but it took a long time for this schedule to be implemented.

The Arbitrator found the Grievant's suspension to be for just cause. He stated the Grievant was not credible because of the number of "inexplicable events in this matter." He also found that "[d]ishonesty and falsification are very serious matters. They impact the ability of an employer to trust what an employee does in all aspects of his/her work. A single incident of dishonesty is often sufficient to bring about mistrust. In the instant matter, the Employer proved that on more than one occasion the Grievant was dishonest." For these reasons, the Arbitrator denied the grievance in its entirety.

Grievance Number: 28-05-980915-0098-01-09-S

MCDONALD, JACQUELINE

The Grievant was suspended for one day for making obscene statements to a co-worker. The Employer argued that the Grievant asked the co-worker to switch lunch shifts with her and the co-worker refused. When the Grievant returned from lunch, the co-worker approached her. The Grievant responded by saying, "Get the fuck out of my area." The Union argued that this language was common at this office and that supervisors often used this type of language in confrontations with each other. The Union also argued that the office was a "hostile [and racially] segregated environment."

The Arbitrator reduced the one day suspension to a written warning. He found "the Grievant's actions must be placed within the context of the environment of the . . . office. At the time of the incident a high level of tension existed based upon perceptions of unequal treatment. . . I find that management must bear responsibility for the confrontational and divisive conduct that existed in this office."

For these reasons, the Arbitrator modified the discipline accordingly.