

BENCH DECISION AND AWARD

ARBITRATOR: ROB Stein

HEARING DATE: 5-22-00

GRIEVANT: Bethanie Oren

GRIEVANCE #: 35-04-980618-0181-01-03

DEPARTMENT: DYS

UNION: OCSEA

MANAGEMENT
ADVOCATE: Brad RahrUNION
ADVOCATE: James McElvain

ISSUE

Did the Grievant receive her 15 day suspension for just cause? If not, what shall the remedy be?

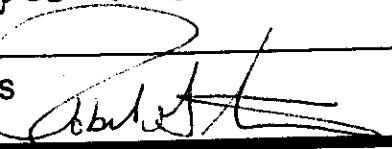
AWARD

#1(c) I find the evidence and testimony support this charge. The Grievant's experience and knowledge of the youth called for safer procedures to be employed

~~#7(a) while it is clear Mr. Oren stopped the youth from completing his statement, it is not apparent why this happened or why the Employer did not step in and have the youth finish it. I do not find the Grievant's actions warranted the terms of a 7a violation.~~ R 5/22/00

#24(a) The evidence and testimony provide clear and convincing

ISSUED AT: INDIAN RIVER
DATE: 5-22-00

ARBITRATOR'S
SIGNATURE: 

evidence that the Grievant could have or should have avoided taking down the youth. I find her judgement in this matter was "informed judgement." She had the skills and the opportunity to choose a different course of action. The Employer met its burden concerning this charge. The first offense calls for a 5-15 day suspension. The Youth was not hurt which mitigates the situation.

AWARD

The Employer met its burden on a Rule 1(c) and Rule 24(a) violation. ~~The Rule 7(c) is to be removed from the Grievant's record~~ ^{PM} 5/22/16.

The 15 day suspension is reduced to a 10 day suspension. The Grievant shall receive 5 days of backpay (including roll call) at the appropriate rate.