

#1498

BENCH DECISION AND AWARD

ARBITRATOR: Anna Delbal Smith

HEARING DATE: May 25, 2001

GRIEVANT: Elisha Earnest

GRIEVANCE #: 35-18 (001124) 178-01-03

DEPARTMENT: Youth Services

UNION: UCSEA/AFSCME

MANAGEMENT
ADVOCATE: Bradley E. Rahr, Sr.UNION
ADVOCATE: Victor Dandridge

ISSUE

Was the Grievant, Elisha Earnest, removed from his position with just cause, and if no, what shall the remedy be?

Consent AWARD

The Employer did not have just cause to terminate the Grievant. The Grievant will be reinstated to his former position, with no back pay. His time off shall be considered an approved leave of absence without pay and there shall be no break in seniority. Within 30 days the Grievant will supply his employer with satisfactory evidence he is able to perform the duties of a JCO at which point he will be permitted to return to work. The Employer may challenge the Grievant's evidence under the Code. The Arbitrator retains jurisdiction for 90 days.

ISSUED AT: Franklin County, Ohio
DATE: May 25, 2001

ARBITRATOR'S
SIGNATURE: Anna Delbal Smith