

#1525

In the Matter of Arbitration

cl 9/6/01  
REVIEWED BY

Between

SEP - 6 2001

OCSEA/AFSCME Local 11

GRIEVANCE COORDINATOR

And

The State of Ohio, Department of Mental Retardation and Developmental Disabilities

Case Number: 24-09-(06-14-00)-1878-01-04

Grievant: Lynn Gerstel

Before: Anna DuVal Smith

AWARD:

The grievance is modified. The Grievant is to be restored to employment as a Custodian, with no back pay (including holidays/overtime) and her record will reflect no break in seniority and service credit. Her personnel file will reflect, in place of the removal, a 2-day suspension for Unapproved Behavior Intervention/Inconsiderate Treatment. The Grievant will be returned, for an indefinite period, to a position not in direct care. The Grievant will retain bidding rights to other non-direct care positions. The Grievant's pay will be redlined at the TPW rate until such time as her pay in the classification to which she returns catches up with her redlined rate. Regarding vacation and personal leave time, the grievant's balances will reflect only those hours that would have been accrued during the period in which the Grievant was removed. Regarding sick leave, the grievant's balance will reflect those hours that would have been accrued during the period in which the Grievant was removed in addition to the hours that she did not cash out at the time of her removal.

This Agreement shall not be introduced, referred to or in any other way utilized in any subsequent arbitration, litigation or administrative hearing, except as may be necessary to enforce its provisions or terms.

Signed and dated this 30<sup>th</sup> day of August 2001, at Shaker Heights, Ohio.

Anna DuVal Smith

Anna DuVal Smith  
Arbitrator