

BENCH DECISION AND AWARD☒ Expedited

KNTA

#1692

ARBITRATOR: William J. Lhota	HEARING DATE: July 8, 2003
GRIEVANT: Joyce Cipriani	GRIEVANCE#: 23-18-030204-0015-01-04
DEPARTMENT: ODMH	UNION: OCSEA
MANAGEMENT ADVOCATE: Marlo Cain	UNION ADVOCATE: Robert Robinson

ISSUE

Discipline Case: Grievant received a 5 day fine for insubordination, failure to carry out a work assignment, neglect of duty, failure to perform duties or at a substandard level, violation of Policy 10.17 Forensic Levels and dishonesty and falsification.

AWARD

The record showed:

1. Grievant was aware of the policy for monitoring patients Not Guilty by Reason of Insanity (NGRI)
2. Grievant did leave the patient unattended to go to the bathroom
3. Grievant did go to the cafeteria for a cup of coffee arriving at the time the cafeteria was closing at 7:00 p.m.
4. Grievant was seen returning to the patient's room at approximately 7:35 p.m. after a second bathroom stop.

The Grievant did violate a know policy on leaving a NGRI patient unattended. Bathroom stops are a necessary part of life but the Grievant did not use good judgment to make sure the patient was properly monitored and the time away from the patient was excessive.

The 5 day fine is upheld for violation of the failing to properly monitor the NGRI patient while at the hospital.

With regard to the Dishonesty and Falsification charge the grievance is upheld. The record did not substantiate that a lunch period was taken so I find that the Dishonesty and Falsification charge should be dropped.

ISSUED AT: ODMH – Northcoast
DATE: July 8, 2003

ARBITRATOR'S
SIGNATURE:

W^m J. Lhota