

**ARBITRATION DECISION NO.:**

088

**UNION:**

OCSEA, Local 11, AFSCME, AFL-CIO

**EMPLOYER:**

Ohio Department of Mental Health

**DATE OF ARBITRATION:**

**DATE OF DECISION**

January 6, 1988

**GRIEVANT:**

Willa Johnson

**OCB GRIEVANCE NO.:**

G87-0397

**ARBITRATOR:**

Henry E. Helling, III

**FOR THE UNION:**

**FOR THE EMPLOYER:**

**KEY WORDS:**

Tardiness

**ARTICLES:**

**FACTS:** No summary available.

**TEXT OF THE OPINION:** Award only.

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In the Matter of:

January 6, 1988

Grievance: G87-0397

STATE OF OHIO, DEPARTMENT  
OF MENTAL HEALTH

Grievant: Willa Johnson

THE EMPLOYER

and

OHIO CIVIL SERVICE  
EMPLOYEES ASSOCIATION,  
LOCAL 11, AFSCME, AFL-CIO

THE UNION

Arbitrator: Henry E. Helling, III

### AWARD

Grievant Willa Johnson, a Psychiatric Attendant Coordinator at the Dayton Mental Health Center, was suspended for two days for neglect of duty resulting from excessive tardiness. It was stipulated by the parties that Grievant reported to work late a total of 5.3 hours during the period of August 1 through October 27, 1986. She was late a total of eleven (11) days during this period, said tardiness ranging in length from .1 hour to 1.9 hours. Grievant testified that family illness and transportation difficulties were the cause of her tardiness and that she had asked for flextime to help alleviate the problem. While this arbitrator sympathizes with Grievant and finds her to be a credible witness, she presented no evidence of a written request for flextime nor did she present any witnesses to testify to the existence of an oral request made to the appropriate party. Grievant testified that she asked a supervisor about flextime in June but never heard anything more about it. Knowing that she was having these problems and that it appeared that they would continue, Grievant should have actively pursued flextime and continued to do so until she got an answer one way or another.

Inasmuch as all of these instances of tardiness were based on the same problems it does not appear that there were extenuating or mitigating circumstances for each occurrence.

I also find that the discipline received by the Grievant was progressively administered and commensurate with the offense" based on the evidence submitted at the arbitration. Grievance is denied accordingly.

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Henry E. Helling, III  
Arbitrator

Issued January 8, 1988