

ARBITRATION DECISION NO.:

513

UNION:

OCSEA, Local 11, AFSCME, AFL-CIO

EMPLOYER:

Department of Mental Health

DATE OF ARBITRATION:

August 30, 1993

DATE OF DECISION:

August 31, 1993

GRIEVANT:

Robert Nye

OCB GRIEVANCE NO.:

23-10-(92-12-22)-0178-01-06

ARBITRATOR:

Rhonda Rivera

FOR THE UNION:

Robert Robinson

FOR THE EMPLOYER:

Linda J. Thernes

KEY WORDS:

Removal
Resignation
Settlement Agreement
Just Cause

ARTICLES:

Article 24 - Discipline
§ 24.01 - Standard

FACTS:

The grievant had been employed with the state since 1975. The grievant was charged with being AWOL and failing to submit a request for leave. Because of the grievant's prior problems in this area, management removed him from employment with the state. At the arbitration, the parties with the assistance of the arbitrator were able to reach a settlement agreement. The employer accepted the grievant's resignation, effective August 30, 1993. The settlement between the employer and the union included giving aid to the grievant in filing for unemployment compensation, filing for SSD or SSI, linking the grievant with a community mental health worker and seeking a sheltered workshop for the grievant.

AWARD:

The arbitrator approved and adopted a settlement entered into between the state and the union. The grievant tendered his resignation effective August 30, 1993, and the employer accepted the resignation.

TEXT OF THE OPINION:

**In the Matter of the
Arbitration Between**

**OCSEA, Local 11
AFSCME, AFL-CIO
Union**

and

**State of Ohio
Employer.**

Grievance No.:

23-10-(92-12-22)-0178-01-06

Grievant:

Robert Nye

Hearing Date:

August 30, 1993

Award Date:

August 31, 1993

Arbitrator:

R. Rivera

For the Employer:

Linda J. Thernes

For the Union:

Robert Robinson

Present at the Hearing in addition to the Grievant and Advocates were Mick W. Musselman, Labor Relations Officer and Ron Deal, Director, Environmental Services.

Preliminary Matters

The Arbitrator asked permission to record the hearing for the sole purpose of refreshing her recollection and on condition that the tapes would be destroyed on the date the opinion is rendered. Both the Union and the Employer granted their permission. The Arbitrator asked permission to submit the award for possible publication. Both the Union and the Employer granted permission. The parties stipulated that the matter was properly before the Arbitrator. All witnesses were sworn.

Joint Exhibits

1. Discipline Package
2. Grievance Trail

3. Contract

Joint Stipulation

1. Grievant had been employed with the state since 1975.

Stipulated Issue

Was the Grievant disciplined for just cause, if not what should the remedy be?

Settlement/Award

Mr. Nye tendered his resignation and the Employer accepted that resignation effective August 30, 1993. The Employer and the Union agreed to a joint obligation, namely to aid the Grievant in the following actions:

1. filing for unemployment compensation,
2. filing for SSD or SSI,
3. linking the Grievant with a community mental health worker, and
4. seeking a sheltered workshop for the Grievant.

The settlement as stated above was approved by the Arbitrator.

Date: August 31, 1993

RHONDA R. RIVERA

Arbitrator