

## **Summaries of Non-union Arbitration Awards by Issue**

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**B. Summaries:**

**Absenteeism**

**Case: Glendon 3**

1. Whether or not the employer had just cause to terminate employee for absenteeism without notice? Yes, the employer had just cause.
2. Whether or not the employer discriminated against the employee because of his physical problems? No, the employer did not discriminate against the employee.

**Case: Grissom 3**

Whether or not the employer had just cause to terminate an employee for not reporting to work without prior notice? Yes, the employer had just cause to terminate employee.

**Appeal Procedure**

**Case: Archer 2**

- (1) Whether or not the employer discriminated against the employee based on race or sex. No the employer did not discriminate against the employee.
- (2) Whether or not the employer had just cause to discharge an employee for poor work performance? Grievance denied.
- (3) The parties stipulated that the termination appeal procedure had been followed and that the case was properly before the arbitrator.

**Application for Employment**

**Case: Fullmer 3**

Whether or not the employer had just cause to discharge employee for falsifying his employment application? Yes the employer had just cause.

**Arbitrator's Authority and Arbitrability**

**Case: Beckman 2**

1. Whether or not the Employer had just cause for discharging an employee? Yes, the employer had just cause.

2. Whether or not Employer unlawfully discriminated against employee on the basis of his race. No, the employer did not unlawfully discriminate against the employee.
3. Whether or not the Employee is entitled to earned vacation pay under the Employer policy or under State law? No, the employee is not entitled to earned vacation pay.
4. The arbitrator discusses his authority and that the case is arbitrable.

**Case: Beckman 3**

1. Whether or not the employer had just cause for terminating an employee? No the employer did not have just cause.
2. Whether or not the Employer unlawfully discriminated against Employee on the basis of his national origin (Chinese) in discharging him? No the employer did not discriminate.
3. The arbitrator discusses his authority and that the case is arbitrable.

**Case: Beckman 4**

1. Whether or not the employer had just cause to terminate an Employee for failing to completely disclose a criminal history? Yes, the employer had just cause to terminate the employee.
2. The arbitrator discusses his authority and that the case is arbitrable.

**Case: Beitner 1**

1. Whether or not the employer had just cause to terminate the employee? No, the employer did not have just cause.
2. The arbitrator discusses his authority and that the case is arbitrable.

**Case: Daniel 3**

1. Whether or not the employer had just cause to discharge an employee for stealing money from a vendor? Yes, the employer had just cause to discharge the employee.
2. The arbitrator also discusses his authority in the award

**Case: Daniel 4**

1. Whether or not the employer had just cause to terminate employee under the policy for testing positive drugs? Yes the employer had just cause to terminate the employee.
2. The arbitrator also discusses his authority in this award.

**Case: Daniel 7**

Whether or not a terminated employee is barred from an arbitration hearing on the merits of his claim because of his untimely filing of an appeal under the employer's termination appeal procedure? Yes, his appeal is dismissed because of the employee's untimely filing.

**Breach of Contract****Case: Glazier 2**

Whether or not the employee (sales person) owed the employer for prepaid wages? Yes, the employee owed the employer money but the arbitrator disagreed as to the amount of wages owed the employer.

**Case: Taylor 1**

1. Whether or not the employee was liable for contract breach, conversion, and statutory computer fraud? Yes, the employee was found liable in all three claims.
2. Whether or not employee's claims of defamation and fraud and/or false promises are supported by evidence? No, the employee's claims were not found to be supported by the evidence.

**Case: Taylor 2**

- 1) Whether or not the formerly employed attorney is liable for breach of contract with employer?  
Yes, the evidence showed that the attorney did indeed breach contract multiple times.
- 2) Whether or not the attorney is found liable on employer's conversion claim?  
Yes, the attorney was found liable.
- 3) Whether or not the attorney was found liable for unauthorized computer access?  
Yes, the attorney was found liable for multiple instances of unauthorized computer access.
- 4) Whether or not the employer is guilty of defamation?  
No, the company was not found to be guilty of defamation of the attorney.
- 5) Whether or not the employer was liable for fraud and//or false promises?  
No, the employer was not found liable for fraud and//or false promises.

**Case: McDonald 1 (Chester v iFreedom Communications)**

- 1) Whether or not the company acquired plaintiff's services under false pretenses? Yes, they were found to have used fraud and false pretenses.
- 2) Whether or not the company was obligated to return property to plaintiff upon his termination and to pay him unpaid salary and commissions? Yes, the company was obligated to do so.

- 3) Whether or not the company engaged in conduct fitting oppression, fraud and malice? Yes, the company was found to have engaged in such conduct.

### **Burden of Proof**

#### **Case: Beckman 3**

1. Whether or not the employer had just cause for terminating an employee? No the employer did not have just cause.
2. Whether or not the Employer unlawfully discriminated against Employee on the basis of his national origin (Chinese) in discharging him? No the employer did not discriminate.
3. The arbitrator discusses the employer's burden of proof in this award.

### **Compensation**

#### **Case: Hornberger 1**

1. Whether or not the claimant was entitled to compensation from the corporate respondent? Yes, the claimant was found to be entitled to said compensation.
2. Whether or not the individual respondent was personally liable to claimant? No, the individual was not found to be personally liable to claimant.

#### **Case: Teranes 1**

1. Whether or not the employee had violated her employment contract with the employer? No, the employee did not violate the contract.
2. Whether or not the employee is entitled to severance pay after her dismissal by the employer? Yes, the employee is entitled to severance pay.

### **Computer Fraud**

#### **Case: Taylor 1**

1. Whether or not the employee was liable for contract breach, conversion, and statutory computer fraud? Yes, the employee was found liable in all three claims.

2. Whether or not employee's claims of defamation and fraud and/or false promises are supported by evidence? No, the employee's claims were not found to be supported by the evidence.

**Case: Taylor 2**

- 1) Whether or not the formerly employed attorney is liable for breach of contract with employer?  
Yes, the evidence showed that the attorney did indeed breach contract multiple times.
- 2) Whether or not the attorney is found liable on employer's conversion claim?  
Yes, the attorney was found liable.
- 3) Whether or not the attorney was found liable for unauthorized computer access?  
Yes, the attorney was found liable for multiple instances of unauthorized computer access.
- 4) Whether or not the employer is guilty of defamation?  
No, the company was not found to be guilty of defamation of the attorney.
- 5) Whether or not the employer was liable for fraud and//or false promises?  
No, the employer was not found liable for fraud and//or false promises.

**Conversion**

**Case: Taylor 1**

1. Whether or not the employee was liable for contract breach, conversion, and statutory computer fraud? Yes, the employee was found liable in all three claims.
2. Whether or not employee's claims of defamation and fraud and/or false promises are supported by evidence? No, the employee's claims were not found to be supported by the evidence.

**Case: Taylor 2**

- 1) Whether or not the formerly employed attorney is liable for breach of contract with employer?  
Yes, the evidence showed that the attorney did indeed breach contract multiple times.
- 2) Whether or not the attorney is found liable on employer's conversion claim?  
Yes, the attorney was found liable.
- 3) Whether or not the attorney was found liable for unauthorized computer access?  
Yes, the attorney was found liable for multiple instances of unauthorized computer access.

- 4) Whether or not the employer is guilty of defamation?  
No, the company was not found to be guilty of defamation of the attorney.
- 5) Whether or not the employer was liable for fraud and//or false promises?  
No, the employer was not found liable for fraud and//or false promises.

**Case: McDonald 1 (Chester v iFreedom Communications)**

- 1) Whether or not the company acquired plaintiff's services under false pretenses? Yes, they were found to have used fraud and false pretenses.
- 2) Whether or not the company was obligated to return property to plaintiff upon his termination and to pay him unpaid salary and commissions? Yes, the company was obligated to do so.
- 3) Whether or not the company engaged in conduct fitting oppression, fraud and malice? Yes, the company was found to have engaged in such conduct.

**Damages**

**Case: Beckman 3**

1. Whether or not the employer had just cause for terminating an employee? No the employer did not have just cause.
2. Whether or not the Employer unlawfully discriminated against Employee on the basis of his national origin (Chinese) in discharging him? No the employer did not discriminate.
3. The arbitrator discusses the amount of damages in this award and how he determined the amount.

**Defamation**

**Case: Glazier 1**

Whether or not the supervisor made false statements that resulted in the **defamation** of the employee's character? No. False statements were not made that resulted in the defamation of the employee's character. This claim was denied.

**Case: Taylor 1**

1. Whether or not the employee was liable for contract breach, conversion, and statutory computer fraud? Yes, the employee was found liable in all three claims.

2. Whether or not employee's claims of defamation and fraud and/or false promises are supported by evidence? No, the employee's claims were not found to be supported by the evidence.

**Case: Taylor 2**

- 1) Whether or not the formerly employed attorney is liable for breach of contract with employer?  
Yes, the evidence showed that the attorney did indeed breach contract multiple times.
- 2) Whether or not the attorney is found liable on employer's conversion claim?  
Yes, the attorney was found liable.
- 3) Whether or not the attorney was found liable for unauthorized computer access?  
Yes, the attorney was found liable for multiple instances of unauthorized computer access.
- 4) Whether or not the employer is guilty of defamation?  
No, the company was not found to be guilty of defamation of the attorney.
- 5) Whether or not the employer was liable for fraud and//or false promises?  
No, the employer was not found liable for fraud and//or false promises.

**Discrimination**

**Age**

**Case: Daniel 1**

1. Whether or not the employer had just cause to discharge the employee? No, the employer did not have just cause to discharge employee.
2. Whether or not the employee was a victim of racial or age discrimination or retaliatory intentions? No, there was no discrimination or retaliatory purpose involved.

**Case: Farrell 1**

Whether or not the employer discriminated against the employee based on gender and age when she was discharged? No, there was no gender or age discrimination.

**Case: Fullmer 1**

1. Whether or not the employer had just cause to discharge employee for violation of the time reporting and honesty policies? Yes, the employer had just cause.
2. Whether or not employer had discriminated against the employee based on age? No, there was no age discrimination on the part of the employer.

**Case: Glendon 1**

Whether or not the employer had just cause to terminate employee on the basis of dishonesty? Yes the employer had just cause.

### **Disability**

#### **Case: Beitner 1**

Whether not the employer had just cause to terminate the employee? No, the employer did not have just cause.

#### **Case: Glazier 1**

Whether or not the employer unlawfully discriminated against the employee who claimed he was unable to work due to a medical condition protected under the Americans with Disability Act? No. The employer has the right to acquire about any medical claims made about an employee. This claim was denied.

### **Disparate Impact**

#### **Case: Farrell 1**

Whether or not the employer discriminated against the employee based on gender and age when she was discharged? No, there was no gender or age discrimination.

### **Disparate Treatment**

#### **Case: Farrell 1**

Whether or not the employer discriminated against the employee based on gender and age when she was discharged? No, there was no gender or age discrimination.

### **Nationality**

#### **Case: Beckman 3**

1. Whether or not the employer had just cause for terminating an employee? No the employer did not have just cause.
2. Whether or not the Employer unlawfully discriminated against Employee on the basis of his national origin (Chinese) in discharging him? No the employer did not discriminate.

### **Race**

#### **Case: Archer 2**

1. Whether or not the employer had just cause to discharge an employee for poor work performance? Yes the employer had just cause to terminate the employee.
2. Whether or not the employer had discriminated against the employee based on the employee's race. There was no illegal race discrimination.

**Case: Beckman 2**

1. Whether or not the Employer had just cause for discharging an employee? Yes, the employer had just cause.
2. Whether or not the Employee is entitled to earned vacation pay under the Employer policy or under State law? No, the employee is not entitled to earned vacation pay.
3. Whether or not Employer unlawfully discriminated against employee on the basis of his race. No, the employer did not unlawfully discriminate against the employee.

**Case: Beitner 1**

1. Whether not the employer had just cause to terminate the employee? No, the employer did not have just cause.
2. Whether or not the employer had illegally discriminated against the employee based on race. There was no illegal race discrimination.

**Case: Daniel 1**

1. Whether or not the employer had just cause to discharge the employee? No, the employer did not have just cause to discharge employee.
2. Whether or not the employee was a victim of racial or age discrimination or retaliatory intentions? No, there was no discrimination or retaliatory purpose involved.

**Case: Daniel 6**

1. Whether or not the employer had just cause to terminate a store detective for not following proper procedures? Yes, the employer had just cause.
2. Whether or not the termination was due to racial discrimination? No, there was no racial discrimination.

**Case: Florman 1**

1. Whether or not the discharge of Ms. Employee was for just cause? Yes, the employer had just cause.
2. Whether the discharge of Employee was racially discriminatory? No, there was no racial discrimination.
3. Whether or not at the time of her discharge, employee was properly denied Vacation Pay? Employer was justified in denying vacation pay.

**Sex****Case: Archer 2**

1. Whether or not the employer had just cause to discharge an employee for poor work performance? The employer had just cause to terminate the employee.
2. Whether or not the employer had illegally discriminated against the employee based on sex. The employer did not discriminate against the employee based on sex.

**Case: Daniel 9**

1. Whether or not the employer had just cause to discharge the employee for violating store detective rules? Yes, the employer had just cause to discharge the employee.
2. Whether or not the discharge was motivated by sexual discrimination contrary to policies of the employer and law? No, the employee was not discriminated against based on gender.

**Case: Farrell 1**

1. Whether or not the employer discriminated against the employee based on gender and age when she was discharged? No, there was no gender or age discrimination.

**Drug Use and Testing**

**Case: Daniel 4**

1. Whether or not the employer had just cause to terminate employee under the policy for testing positive drugs? Yes the employer had just cause to terminate the employee.
2. The arbitrator also discusses his authority in this award.

**Employee Liability**

**Case: Taylor 1**

1. Whether or not the employee was liable for contract breach, conversion, and statutory computer fraud? Yes, the employee was found liable in all three claims.
2. Whether or not employee's claims of defamation and fraud and/or false promises are supported by evidence? No, the employee's claims were not found to be supported by the evidence.

**Employee Retaliation**

**Case: Glazier 1**

Whether or not the employer retaliated against an employee for complaining about management? No. Employee was demoted due to attendance. This claim was denied.

## **False Information and Dishonesty**

### **Case: Archer 1**

Whether or not the employer had just cause to terminate an employee for dishonesty? Grievance granted.

### **Case: Beckman 4**

Whether or not the employer had just cause to terminate an Employee for failing to completely disclose a criminal history? Yes, the employer had just cause to terminate the employee.

### **Case: Daniel 2**

Whether or not the employer had just cause to terminate the employee? Yes, the employer had just cause.

### **Case: Daniel 3**

1. Whether or not the employer had just cause to discharge an employee for stealing money from a vendor? Yes, the employer had just cause to discharge the employee.
2. The arbitrator also discusses his authority in the award

### **Case: Daniel 8**

Whether or not the employer had just cause to discharge employee based on, among other rule violations, fraudulent misconduct? Yes the employer had just cause.

### **Case: Fullmer 1**

1. Whether or not the employer had just cause to discharge employee for violation of the time reporting and honesty policies? Yes, the employer had just cause.
2. Whether or not employer had discriminated against the employee based on age? No, there was no age discrimination on the part of the employer.

### **Case: Fullmer 2**

Whether or not employer had just cause to discharge employee for violating the purchase and the honesty policies? Yes the employer had just cause.

### **Case: Fullmer 3**

Whether or not the employer had just cause to discharge employee for falsifying his employment application? Yes the employer had just cause.

### **Case: Glendon 1**

Whether or not the employer had just cause to terminate employee on the basis of dishonesty? Yes the employer had just cause.

### **Case: Glendon 3**

1. Whether or not the employer had just cause to terminate employee for absenteeism without notice? Yes, the employer had just cause.
2. Whether or not the employer discriminated against the employee because of his physical problems? No, the employer did not discriminate against the employee.

**Case: Grissom 6**

Whether or not the employer had just cause to terminate employee for filing a false report? Yes, the employer had just cause.

**Case: Grissom 8**

Whether or not the employer had just cause to terminate employee for dishonesty in connection with a fraudulent product payment transaction? Yes, the employer had just cause.

**FMLA**

**Case: Beitner 1**

1. Whether not the employer had just cause to terminate the employee? No, the employer did not have just cause.
2. Whether or not the employer had violated the FMLA? No the employer had not violated the FMLA.

**Fraud and Dishonesty**

**Case: Barbour 1**

Whether or not the employer (City of Holland) had just cause to terminate the city clerk for filing false documents (i.e. voters registration & property taxes)? No just cause for termination. Employer must rehire city clerk with back pay.

**Case: Grissom 2**

Whether or not the Employer had just cause to terminate employee for time card fraud? Yes, the employer had just cause.

**Case: Houk 1**

Whether or not the employer (City of Holland) had just cause to terminate the city clerk for filing false documents (i.e. voters registration & property taxes)? Employer had just cause for termination.

**Case: McDonald 1 (Chester v iFreedom Communications)**

- 1) Whether or not the company acquired plaintiff's services under false pretenses? Yes, they were found to have used fraud and false pretenses.
- 2) Whether or not the company was obligated to return property to plaintiff upon his termination and to pay him unpaid salary and commissions? Yes, the company was obligated to do so.
- 3) Whether or not the company engaged in conduct fitting oppression, fraud and malice? Yes, the company was found to have engaged in such conduct.

**Case: Taylor 2**

- 1) Whether or not the formerly employed attorney is liable for breach of contract with employer?  
Yes, the evidence showed that the attorney did indeed breach contract multiple times.
- 2) Whether or not the attorney is found liable on employer's conversion claim?  
Yes, the attorney was found liable.
- 3) Whether or not the attorney was found liable for unauthorized computer access?  
Yes, the attorney was found liable for multiple instances of unauthorized computer access.
- 4) Whether or not the employer is guilty of defamation?  
No, the company was not found to be guilty of defamation of the attorney.
- 5) Whether or not the employer was liable for fraud and//or false promises?  
No, the employer was not found liable for fraud and//or false promises.

**Harassment****Case: Glazier 1**

Whether or not the supervisor's teasing created a **hostile work environment** for the employee? If so, did the company provide reasonable resources to prevent and correct any harassing behavior, and did the employee take advantage of these resources? No. Supervisor's teasing did not create a hostile work environment. Company provides reasonable resources to prevent and to control any harassing behavior. This claim was denied.

**Insubordination****Case: Glendon 5**

1. Whether or not the employer had just cause to discharge employer for harassment and interference with a fellow employee? Yes, the employer had just cause.
2. Whether or not the employee was insubordinate? Yes, the employee was insubordinate.

**Case: Grissom 9**

Whether or not the employer had just cause to terminate employee for insubordination? Yes, the employer had just cause.

**Intentional Infliction of Emotional Distress****Case: Glazier 1**

Whether or not the employer's actions were so extreme and outrageous that the employee suffered from severe emotional distress? No. The employer's actions were not extreme or outrageous. This claim was denied.

### **Just Cause**

#### **Case: Archer 1**

Whether or not the employer had just cause to terminate an employee for dishonesty? Grievance granted.

#### **Case: Archer 2**

Whether or not the employer had just cause to discharge an employee for poor work performance? Yes, the employer had just cause.

#### **Case: Beckman 1**

Whether or not the employer had just cause to terminate an employee for taking merchandise without paying for it? No the employer did not have just cause.

#### **Case: Beckman 2**

1. Whether or not Employer unlawfully discriminated against employee on the basis of his race. No, the employer did not unlawfully discriminate against the employee.
2. Whether or not the Employee is entitled to earned vacation pay under the Employer policy or under State law? No, the employee is not entitled to earned vacation pay.
3. Whether or not the Employer had just cause for discharging an employee? Yes, the employer had just cause.

#### **Case: Beckman 3**

1. Whether or not the Employer unlawfully discriminated against Employee on the basis of his national origin (Chinese) in discharging him? No the employer did not discriminate
2. Whether or not the employer had just cause for terminating an employee? No the employer did not have just cause.

#### **Case: Beckman 4**

Whether or not the employer had just cause to terminate an Employee for failing to completely disclose a criminal history? Yes, the employer had just cause to terminate the employee.

#### **Case: Daniel 1**

1. Whether or not the employer had just cause to discharge the employee? No, the employer did not have just cause to discharge employee.
2. Whether or not the employee was a victim of racial or age discrimination or retaliatory intentions? No, there was no discrimination or retaliatory purpose involved.

**Case: Daniel 2**

Whether or not the employer had just cause to terminate the employee? Yes, the employer had just cause.

**Case: Daniel 3**

1. Whether or not the employer had just cause to discharge an employee for stealing money from a vendor? Yes, the employer had just cause to discharge the employee.
2. The arbitrator also discusses his authority in the award

**Case: Daniel 4**

1. Whether or not the employer had just cause to terminate employee under the policy for testing positive drugs? Yes the employer had just cause to terminate the employee.
2. The arbitrator also discusses his authority in this award.

**Case: Daniel 5**

Whether or not the employer had just cause to discharge an employee for consuming a candy bar without paying for it first? Yes the employer had just cause to discharge the employee and enforce the rules and regulations of the company.

**Case: Daniel 6**

1. Whether or not the employer had just cause to terminate a store detective for not following proper procedures? Yes, the employer had just cause.
2. Whether or not the termination was due to racial discrimination? No, there was no racial discrimination.

**Case: Daniel 8**

Whether or not the employer had just cause to discharge employee based on, among other rule violations, fraudulent misconduct? Yes the employer had just cause.

**Case: Daniel 9**

1. Whether or not the employer had just cause to discharge the employee for violating store detective rules? Yes, the employer had just cause to discharge the employee.

2. Whether or not the discharge was motivated by sexual discrimination contrary to policies of the employer and law? No, the employee was not discriminated against based on gender.

**Case: Florman 1**

1. Whether or not the discharge of Ms. Employee was for just cause? Yes, the employer had just cause.
2. Whether the discharge of Employee was racially discriminatory? No, there was no racial discrimination.
3. Whether or not at the time of her discharge, employee was properly denied Vacation Pay? Employer was justified in denying vacation pay.

**Case: Florman 2**

1. Whether or not the employer had just cause to discharge employee for violating rules regarding sale of alcohol to minors? Yes, Employer had just cause.
2. Note: In this award the arbitrator does an excellent job of applying the facts to the standards for just cause and is therefore an excellent teaching tool.

**Case: Fullmer 1**

1. Whether or not the employer had just cause to discharge employee for violation of the time reporting and honesty policies? Yes, the employer had just cause.
2. Whether or not employer had discriminated against the employee based on age? No, there was no age discrimination on the part of the employer.

**Case: Fullmer 2**

Whether or not employer had just cause to discharge employee for violating the purchase and the honesty policies? Yes the employer had just cause.

**Case: Fullmer 3**

Whether or not the employer had just cause to discharge employee for falsifying his employment application? Yes the employer had just cause.

**Case: Glendon 1**

Whether or not the employer had just cause to terminate employee on the basis of dishonesty? Yes the employer had just cause.

**Case: Glendon 2**

Whether or not the employer had just cause to discharge employee for consumption of a product that was not paid for? Yes the employer was justified in terminating the employee.

**Case: Glendon 3**

1. Whether or not the employer had just cause to terminate employee for absenteeism without notice? Yes, the employer had just cause.
2. Whether or not the employer discriminated against the employee because of his physical problems? No, the employer did not discriminate against the employee.

**Case: Glendon 4**

Whether or not the employer had just cause to terminate an employee for violating the found theft? Yes, the employer had just cause.

**Case: Glendon 5**

1. Whether or not the employer had just cause to discharge employer for harassment and interference with a fellow employee? Yes, the employer had just cause.
2. Whether or not the employee was insubordinate? Yes, the employee was insubordinate.

**Case: Glendon 6**

Whether or not the employer had just cause to terminate employee for taking too many breaks during work? No, the employer did not have just cause to terminate employee. The arbitrator deemed that one week suspension was the appropriate punishment.

**Case: Grissom 1**

Whether or not the employer had just cause to terminate employee for consuming food merchandise without paying for it? Yes, the employer had just cause to terminate employee.

**Case: Grissom 2**

Whether or not the Employer had just cause to terminate employee for time card fraud? Yes, the employer had just cause.

**Case: Grissom 3**

Whether or not the employer had just cause to terminate an employee for not reporting to work without prior notice? Yes, the employer had just cause to terminate employee.

**Case: Grissom 4**

Whether or not the employer had just cause to terminate employee for picking up merchandise without the intention of paying for it? Yes, the employer had just cause.

**Case: Grissom 5**

Whether or not the employer had just cause for terminating employee for walking out with merchandise that he had not paid for? Yes the employer had just cause.

**Case: Grissom 6**

Whether or not the employer had just cause to terminate employee for filing a false report? Yes, the employer had just cause.

**Case: Grissom 7**

Whether or not the employer had just cause to terminate employee fro taking too many work breaks? Yes, the employer had just cause.

**Case: Grissom 8**

Whether or not the employer had just cause to terminate employee for dishonesty in connection with a fraudulent product payment transaction? Yes, the employer had just cause.

**Case: Grissom 9**

Whether or not the employer had just cause to terminate employee for insubordination? Yes, the employer had just cause.

**Case: Grissom 10**

Whether or not the employer had just cause to terminate the employee for not following payroll procedures? Yes, the employer had just cause to discipline employee. The Arbitrator reduced the penalty to long-term suspension.

**Leave Time – Break Time**

**Case: Glendon 6**

Whether or not the employer had just cause to terminate employee for taking too many breaks during work? No, the employer did not have just cause to terminate employee. The arbitrator deemed that one week suspension was the appropriate punishment.

**Case: Grissom 7**

Whether or not the employer had just cause to terminate employee fro taking too many work breaks? Yes, the employer had just cause.

**Lunch Time and Wash-up Time**

**Case: Glendon 6**

Whether or not the employer had just cause to terminate employee for taking too many breaks during work? No, the employer did not have just cause to terminate employee. The arbitrator deemed that one week suspension was the appropriate punishment.

### **Obscene and Indecent Conduct**

#### **Case: Glendon 5**

1. Whether or not the employer had just cause to discharge employer for harassment and interference with a fellow employee? Yes, the employer had just cause.
2. Whether or not the employee was insubordinate? Yes, the employee was insubordinate.

### **Payroll- Reporting Procedure**

#### **Case: Grissom 10**

Whether or not the employer had just cause to terminate the employee for not following payroll procedures? Yes, the employer had just cause to discipline employee. The Arbitrator reduced the penalty to long-term suspension.

### **Progressive Discipline**

#### **Case: Archer 2**

1. Whether or not the employer discriminated against the employee based on race or sex. No the employer did not discriminate against the employee.
2. Whether or not the employer had just cause to discharge an employee for poor work performance? Yes, the employer had just cause.
3. Whether the employer had appropriately followed the steps of progressive discipline. Yes the employer has followed the appropriate progressive discipline steps.

#### **Case: Beckman 1**

1. Whether or not the employer had just cause to terminate an employee for taking merchandise without paying for it? Yes, the employer had just cause.
2. Whether or not the employer had violated the progressive discipline procedure? There was no violation by the employer.

#### **Case: Beitner 1**

1. Whether not the employer had just cause to terminate the employee? No, the employer did not have just cause.
2. Whether or not the employer had violated the progressive discipline procedure? Yes the policy was violated.

### **Retaliatory Purpose**

#### **Case: Daniel 1**

1. Whether or not the employer had just cause to discharge the employee? No, the employer did not have just cause to discharge employee.
2. Whether or not the employee was a victim of racial or age discrimination or retaliatory intentions? No, there was no discrimination or retaliatory purpose involved.

### **Theft**

#### **Case: Beckman 1**

Whether or not the employer had just cause to terminate an employee for taking merchandise without paying for it? Yes, the employer had just cause.

#### **Case: Daniel 5**

Whether or not the employer had just cause to discharge an employee for consuming a candy bar without paying for it first? Yes the employer had just cause to discharge the employee and enforce the rules and regulations of the company.

#### **Case: Glendon 2**

Whether or not the employer had just cause to discharge employee for consumption of a product that was not paid for? Yes the employer was justified in terminating the employee.

#### **Case: Glendon 4**

Whether or not the employer had just cause to terminate an employee for violating the found theft? Yes, the employer had just cause.

#### **Case: Grissom 1**

Whether or not the employer had just cause to terminate employee for consuming food merchandise without paying for it? Yes, the employer had just cause to terminate employee.

#### **Case: Grissom 4**

Whether or not the employer had just cause to terminate employee for picking up merchandise without the intention of paying for it? Yes, the employer had just cause.

#### **Case: Grissom 5**

Whether or not the employer had just cause for terminating employee for walking out with merchandise that he had not paid for? Yes the employer had just cause.

**Timecard**

**Case: Grissom 2**

Whether or not the Employer had just cause to terminate employee for time card fraud? Yes, the employer had just cause.

**Work Performance**

**Case: Archer 2**

Whether or not the employer had just cause to discharge an employee for poor work performance? Yes, the employer had just cause.