

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 545

OCB GRIEVANCE NUMBER: 31-07-901025-0043-01-06

GRIEVANT NAME: ETGEN, TIMOTHY

UNION: OCSEA/AFSCME

DEPARTMENT: TRANSPORTATION

ARBITRATOR: SMITH, ANNA D.

MANAGEMENT ADVOCATE: TORNES, JOHN

2ND CHAIR: PRICE, MERIL

UNION ADVOCATE: MAYER, PATRICK

ARBITRATION DATE: FEBRUARY 7, 1991

DECISION DATE: FEBRUARY 7, 1991

DECISION: NOT ARBITRABLE

CONTRACT SECTIONS
AND/OR ISSUES: ART. 6.02; 24.02 & 24.01 PROBATIONARY REMOVAL

HOLDING: "ISSUE OF PROBATIONARY STATUS WAS NOT RAISED UNTIL OCT. 22, 1990, WELL AFTER 10-DAY LIMIT SPECIFIED BY ART. 25.02 OF THE CONTRACT. THE REMOVAL IS ARBITRABLE ONLY IF GRIEVANT NOT ON PROBATIONARY STATUS. ISSUE OF PROBATIONARY STATUS CANNOT BE REACHED BECAUSE OF UNTIMELY FILING OF GRIEVANCE. THIS GRIEVANCE IS THEREFORE NOT ARBITRABLE."

ARB COST: \$225 + EXPENSES

ARBITRATION
BENCH DECISION AND AWARD

award - 575

Arbitrator: Anna D. Smith

State of Ohio

Grievance No. 31-07(10-25-90)43-01-06

Department of Transportation

Grievant Timothy Etgen

Union OCSEA Local 11 AFSCME

Date of Hearing February 7, 1991

Issue(s): Is this grievance arbitrable?

Appearances:

For the Employer: (Advocate) John Tornes
Meril Price

For the Union: (Advocate) Patrick Mayer

AWARD: Issue of probationary status was not raised
until October 22, 1990, well after 10-day limit
specified by Article 25.02 of The Contract. The
removal is arbitrable only if grievant not on probationary
status. Issue of probationary status cannot be reached
because of untimely filing of grievance. This grievance
is therefore not arbitrable

Issued at Columbus, Ohio

February 7, 1991
Date

Anna D. Smith
Arbitrator's Signature