

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 563

OCB GRIEVANCE NUMBER: 11-08-891207-0055-01-09

GRIEVANT NAME: COLON, EDGAR

UNION: OCSEA/AFSCME

DEPARTMENT: BUREAU OF EMPLOYMENT SERVICES

ARBITRATOR: SMITH, ANNA D.

MANAGEMENT ADVOCATE: PRICE, MERIL

2ND CHAIR: LIVENGOOD, RACHEL

UNION ADVOCATE: HAYNES, LOIS

ARBITRATION DATE: FEBRUARY 28, 1991

DECISION DATE: FEBRUARY 28, 1991

DECISION: NOT ARBITRABLE

CONTRACT SECTIONS

AND/OR ISSUES: PROBATIONARY REMOVAL TO INTERIM STATUS

HOLDING: "THE TIMELINESS QUESTION TURNS ON WHETHER THE EVENT GIVING RISE TO THE GRIEVANCE OCCURRED ON 10/25/90 (WHEN THE GRIEVANT WAS NOTIFIED THAT HE WAS BEING RETURNED TO HIS FORMER POSITION) OR ON 11/28/90 (WHEN HIS EVALUATION WAS SENT). THE ARBITRATOR HOLDS THAT THE EVENT OCCURRED ON 10/25/90. THIS GRIEVANCE WAS THUS UNTIMELY FILED AND IS THEREFORE NOT ARBITRABLE."

ARB COST: \$ BENCH DECISION; AWAITING INVOICE

ARBITRATION  
BENCH DECISION AND AWARD

Arbitrator: Smith

#563

State of Ohio

Grievance No. 11-08 (891207)0055-01-09

Department Bureau of Employment Services Grievant Edgar Colon

Union OCSEA Local 11, AFSCME

Date of Hearing Feb. 28, 1991

Issue(s): Was this grievance timely filed and therefore is it arbitrable?

Appearances:

For the Employer: (Advocate) Meril Price

Rachel Livengood

For the Union: (Advocate) Lois A. Hynes

John Hall

AWARD: The timeliness question turns on whether the event giving rise to the grievance occurred on Oct. 25, 1990 (when the grievant was notified that he was being returned to his former position) or on ~~November 26~~ November 28 (when his evaluation was sent).

The Arbitrator holds that the event occurred on October 25, 1990. This grievance was thus untimely filed and is therefore not arbitrable.

Issued at Columbus, Ohio

Feb. 28, 1991

Date

Anna Smith

Arbitrator's Signature