

*Award
#588*

IN THE MATTER OF ARBITRATION

BETWEEN

OFFICE OF COLLECTIVE BARGAINING
STATE OF OHIO

AND

FRATERNAL ORDER OF POLICE
UNIT #1

ARBITRATION AWARD

HEARING DATE: 04/29/91
ARBITRATOR: John E. Drotning

I. HEARING

The undersigned Arbitrator conducted a Hearing on 4/29/91 at the Office of Collective Bargaining, 65 East State St., Columbus, Ohio. Appearing for the Union were: Ellen Davies, Esq., Ed Baker, Charles Linek, and the grievant, Trooper David Maley. Appearing for the Employer were: Lt. Rick Corbin, Mr. Paul Kirschner, Lt. Neil Hassinger, and Trooper George Dryden.

The parties were given full opportunity to examine and cross examine witnesses and to submit written documents and evidence supporting their respective positions. No post hearing briefs were filed and the case was closed on 4/29/91. The discussion and award are based solely on the record described above.

II. ISSUE

The parties did not agree on a joint submission. The Union asked:

Did the Highway Patrol violate Section 30.01 of the labor contract by allowing another trooper to gain job experience in a temporary position and then bypass Trooper Mayle for the permanent position, citing less experience? Is so, what shall the remedy be?

The Employer put the issue as:

Did the selection of Trooper George W. Dryden for a trooper position at Cleveland Operations violate Article 30.01? If so what shall the remedy be?

III. STIPULATIONS

The parties jointly submitted the exhibits marked Joint Exhibits #1, #2, #3, and #4.

IV. TESTIMONY, EVIDENCE, AND ARGUMENT

Both the Union and Management asked questions of David W. Maley and Trooper George W. Dryden.

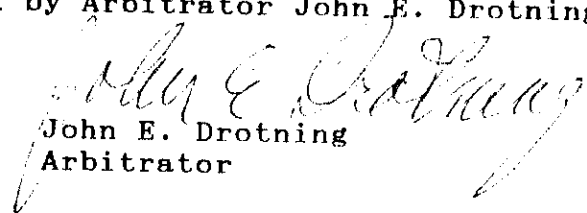
The Arbitrator, after discussions with Ms. Davies and Lt. Corbin, set forth the following decision.

V. DECISION

The issues presented by the parties were heard and the following resolution is appropriate:

Management has the right to select employees for specific positions on the basis of ability and/or seniority under Article 30.01 so long as Management's decision is not unreasonable, arbitrary, capricious or discriminatory. Thus, in this case, Trooper Dryden shall remain in the position he currently holds at Cleveland Operations.

Trooper David Maley shall be selected for the next investigative or administrative opening at Cleveland Operations, if the opening occurs within two years of this document as signed by Arbitrator John E. Drotning.


John E. Drotning
Arbitrator

Cuyahoga County, Ohio
May 1, 1991