

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 675

OCB GRIEVANCE NUMBER: G87-0411

GRIEVANT NAME: CASTLE, KAREN and THOMAS, LINDA

UNION: OCSEA/AFSCME

DEPARTMENT: BUREAU OF EMPLOYMENT SERVICES

ARBITRATOR: GRAHAM, HARRY

MANAGEMENT ADVOCATE: WAGNER, TIM

2ND CHAIR: PRICE, MERIL

UNION ADVOCATE: FIELY, LINDA

ARBITRATION DATE: JUNE 21 AND AUGUST 14, 1991
BRIEFS FILED: SEPT. 15, 1991

DECISION DATE: OCTOBER 15, 1991

DECISION: DENIED

CONTRACT SECTIONS

**AND/OR ISSUES: DID MANAGEMENT VIOLATE THE C/B AGREEMENT
ART. 17 BY PROMOTING A JUNIOR EMPLOYEE OVER A SENIOR EMPLOYEE?
WAS THE JUNIOR EMPLOYEE "DEMONSTRABLY SUPERIOR"?**

**HOLDING: THIS ARBITRATOR CONCLUDED THAT FROM THE TESTIMONY OF
BOTH CHIEF NEGOTIATORS FROM 1986 AND OTHER PERSUASIVE ARGUMENTS
THAT THE DEFINITION OF "DEMONSTRABLY SUPERIOR" LIES SOMEWHERE ABOVE
"RELATIVELY EQUAL" BUT BELOW "HEAD AND SHOULDERS". MS. MILLER,
THE SUCCESSFUL JUNIOR BIDDER, POSSESSES THOSE SKILLS TO A HIGHER
DEGREE TO FILL THE VACANCY IN QUESTION THAN DOES EITHER OF THE TWO
GRIEVANTS. THE STATE SUCCEEDED IN PROVING THAT MS. MILLER WAS
"DEMONSTRABLY SUPERIOR" TO THE MORE SENIOR GRIEVANTS.**

COST: \$1,483.61