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January 16, 1992

David Regan, Organizer
The Health Care & Social Service Union
District 1199
475 East Mound Street
Columbus, Ohio 43215

David A. White
Ohio Department of Health
Office of Collective Bargaining
65 East State Street
16th Floor
Columbus, Ohio 43215

Re: Grievance of Karen Harrington
#14-00-910617-0047-11

Gentlemen:

Prior to the issuance of the enclosed, the Agency requested that the award include the understanding reached by the parties on January 8, 1992 pertaining to a second pending grievance of Karen Harrington. The Arbitrator is of the opinion that she cannot issue a decision on a second grievance not within her jurisdiction. However, she does feel it appropriate to memorialize in this letter the agreement between the parties upon which the enclosed award was based. This agreement included the understanding that in the event Karen Harrington was placed in a position pursuant to the terms of the issued award, her second grievance would then be dismissed by the Union. The Arbitrator trusts that the award issued herein will satisfactorily settle the job placement issue raised by both grievances, that within six months the grievant will be placed in another position and that the second grievance will thereby be deemed moot.

Very truly yours,


Margaret Nancy Johnson

STATE OF OHIO
LABOR ARBITRATION TRIBUNAL
Grievance No. 14-00-910617-0047-02-11

In the Matter of the Arbitration Between:

Office of Collective Bargaining
Department of Health
State of Ohio

and

OPINION AND AWARD
Grievance of
Karen Harrington

Ohio Health Care Employees Union
District 1199
National Union of Hospital and
Health Care Employees, SEIU
AFL-CIO

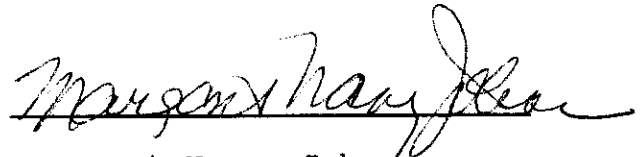
This matter came on for hearing on January 8, 1992 in a conference room at the Office of Collective Bargaining in Columbus, Ohio, before Margaret Nancy Johnson, Arbitrator, selected in accordance with the terms of the agreement between the parties. David A. White from the Ohio Department of Health presented the case for the Agency. Paul Kirschner from the Office of Collective Bargaining assisted. David Regan, Organizer, represented the Union. The grievant, Karen Harrington, was also present.

The grievance arose when the Agency by-passed the grievant for a job vacancy upon which she had bid. The position was awarded to a new hire. The Agency acknowledged that the terms of the Agreement between the parties pertaining to the awarding of job vacancies had not been properly followed in the instance of the grievant. There was no dispute between the parties as to the facts giving rise to the grievance. The sole matter

remaining in contention was the proper remedy for this occurrence of a contract violation. Accordingly, the arbitrator has issued the following award.

AWARD

The grievance is sustained. The Agency is directed to cease and desist from by-passing unit applicants who are qualified for job postings in favor of new hires. The grievant herein is deemed to be qualified for the position of Social Program Developer and to be the priority candidate for a period of six months for any vacancies which arise in such classification excepting those requiring licensing or certification which the aggrieved does not possess. The Arbitrator retains jurisdiction of this case for the six month period of time referenced above.

A handwritten signature in cursive script, reading "Margaret Nancy Johnson", written over a horizontal line.

Margaret Nancy Johnson

Arbitrator

Dated and made effective this 15th day of January, 1992
in Columbus, Ohio.