

IN THE MATTER OF THE ARBITRATION BETWEEN:

THE STATE OF OHIO

-AND-

THE CIVIL SERVICE EMPLOYEES' ASSOCIATION

ARBITRATOR: Dr Mollie H. Bowers

APPEARANCES:

For the State:

Roger A. Coe, Advocate
Ronald K Buford, then Investigator

For the Association:

Dennis Williams, Advocate
Bert Carter, Grievant 27-05-911230-0188-01-06

STATEMENT OF CASE

At the outset of the Hearing, the advocate for the Ohio Civil Service Employees Association (the OCSEA) stated that it challenged arbitrability of this grievance based upon timeliness regarding the issuance of discipline. Specifically, the OCSEA cited Article 24, Section 24.02 (last paragraph) of the collective bargaining agreement in support of its claim. Both parties agreed that this provision applied to the instant case.

Each party then presented such evidence and testimony (examination and cross-examination of Mr. Ronald Buford) as it deemed appropriate to substantiate its position on the arbitrability issue. The State of Ohio (the State) acknowledged that the OCSEA had timely and continuously raised the timeliness issue throughout the grievance procedure. Both parties requested that, if possible, the Arbitrator provide a bench decision on the matter of the arbitrability. She acceded to this request and was granted time to study the record before rendering her decision.

DECISION

Based upon the record, the Arbitrator determined that the OCSEA prevailed in its assertion that the State did not comply with the last paragraph of Article 24, Section 24.02 of the collective bargaining agreement when it failed to timely take disciplinary action against Mr. Bert Carter (the Grievant). She also noted, however, that the investigation was properly and

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timely pursued as soon as Warden Melody Turner was brought on board. Nevertheless, the Arbitrator determined that the OCSEA has prevailed in this case.

AWARD

The Grievant shall be reinstated with full back pay (minus any interim earnings) and with full seniority and benefit rights for the period of his termination.

June 18, 1992

Mollie H. Bowers
Arbitrator