

#1385

BENCH DECISION AND AWARD

ARBITRATOR: Anna DuVal Smith

HEARING DATE: July 21, 1999

GRIEVANT: Randy Rutherford

GRIEVANCE #: 33-00-981118-0922-01-04

DEPARTMENT: Ohio Veterans Home

UNION: OCSGA/AFSCME

MANAGEMENT
ADVOCATE: Robert DayUNION
ADVOCATE: Robert Robinson**ISSUE**

Was the Grievant denied his right to a vacant custodial worker position prior to his layoff and should the Grievant be afforded the hours worked by the Activity Aide?

Should the Grievant have been entitled to the Temporary Working Level that was afforded Natalie Liphart or Kim Seder?

If not, what shall the remedy be?

AWARD

The Grievant was not entitled to the vacant custodial worker position because he did not bid on it. He should have been afforded the hours worked by the Activity Aide Liphart who filled the position he was entitled to. The Grievant was not entitled to the Temporary Working Level that was afforded Natalie Liphart or Kim Seder.

Remedy: Hours shall be calculated as actual hrs worked by Liphart ^{from} ~~starting~~

11/8/98 ^{work period} ~~11/8/98 - 12/31/98~~ plus the average of ^{the} 11/8/98 - 12/31/98 period times the number of

work periods up until pay period ending June 5, 1999 less normal deductions plus benefits.

~~The arbitrator retains jurisdiction for 30 days to resolve any disputes arising in the implementation of this award.~~

ISSUED AT: Sandusky, Ohio

DATE: July 21, 1999

ARBITRATOR'S

SIGNATURE:

Anna DuVal Smith