

ARBITRATION SUMMARY AND AWARD LOG
OCB AWARD NUMBER: #1508

OCB GRIEVANCE NUMBER: 27-32-20000310-0245-01-03

GRIEVANT NAME: Darrell Mummey

UNION: OCSEA/AFSCME Local 11

DEPARTMENT: Department of Rehabilitation and Correction

ARBITRATOR: Harry Graham

MANAGEMENT ADVOCATE: Mike Duco

2ND CHAIR: Jeff Wilson

UNION ADVOCATE: Herman Whitter

ARBITRATION DATE: June 21, 2001

DECISION DATE: June 21, 2001

DECISION: Grievance sustained

CONTRACT SECTIONS: 16; 36.07; 44.02; 28.01

HOLDING: Ohio National Guard time credited for service credit. Grievance sustained.

COST: \$

SUBJECT: ARB SUMMARY #1508
TO: ALL ADVOCATES
FROM: MICHAEL P. DUCO
AGENCY: Department of Rehabilitation and Correction
UNION: OCSEA/AFSCME Local 11
ARBITRATOR: Harry Graham
STATE ADVOCATE: Mike Duco
UNION ADVOCATE: Herman Whitter
BNA CODES: 117.2054

Grievance is sustained.

The Union filed this class action grievance on behalf of OCSEA bargaining unit members who were enlisted in the Ohio National Guard pursuant to Ohio Revised Code section 9.44:

A full time employee who was a member of the Ohio National Guard serving on duty one (1) weekend per month and two (2) weeks out of every year is entitled to one (1) year prior service credit for each year of service for the purpose of computing the amount of his vacation leave pursuant to RC 121.161, OAG 81-066.

A review of ORC 9.44 and practice support the Union's position. The employer is to credit National Guard service to the eligible grievants for purposes of vacation and longevity.

State service credit shall be based on the initial date of enlistment in the National Guard. All adjustments in vacation and longevity pay as a result of this award shall be retroactive to 30 days prior to the date of filing of the grievance per Article 25, Section 25.02.

The Office of Collective Bargaining is to promptly notify all State agencies of this decision.

This award is limited to the five (5) grievants and applies to National Guard time only.

Darrell Mummey, et. al.
Grievance Number 27-32-(00-03-10)-0245-01-03

STIPULATED FACTS

1. Pursuant to Article 28.01 are the grievants entitled to state service for purposes of accruing vacation? If so, how much service?
2. Pursuant to Article 36.07 are the grievants entitled to state service for purposes of calculating longevity? If so, how much service?

GRIEVANT

DATE OF HIRE

Kenneth Wayne Cottle	8/29/94
Jeffrey Church	9/16/96
Brian Beal	12/2/96
Thomas Moore	8/5/96
David Poulton	7/15/96

David Taylor – 1199/Noble	10/18/93
Scott Thompson – Cambridge	2/87


Michael P. Duco, Esq.
Manager of Dispute Resolution


Herman S. Whitter, Esq.
Director of Dispute Resolution

1508-E

OCSEA/AFSCME, Local 11, AFL-CIO

and

**STATE OF OHIO
OFFICE OF COLLECTIVE BARGAINING**

: Arbitrator: Harry Graham

: Grievant: Darrell Mummey, et al

: 27-32-(00-03-10)-0245-01-03

: Issue: Ohio National Guard Time

: Date of Hearing: June 21, 2001

Appearing for the Union

**Herman S. Whitter, 1st Chair
Director of Dispute Resolution/Atty.
Jamie Kuhner, Staff Representative**

: Appearing for the State

**: Michael P. Duco, 1st Chair
Mgr. of Dispute Resolution/Atty.
Jeff Wilson, Labor Relations Spec**

ARBITRATOR'S DECISION AWARD

Based upon the evidence and argument presented in Columbus, Ohio on June 21, 2001, the arbitrator award as follows:

The grievance of the union is sustained on behalf of the grievants who meet the criteria of Ohio Revised Code Section 9.44.

A full time employee who was a member of the Ohio National Guard serving on duty one (1) weekend per month and two (2) weeks out of every year is entitled to one (1) year prior service credit for each year of service for the purpose of computing the amount of his vacation leave pursuant to RC121.161, OAG 81-066.


Union Exhibit 3 (R.C. 9.44) and practice support the position of the union in this matter. The Employer is to credit National Guard service to the eligible grievants for purposes of vacation and longevity.

State service credit shall be based on the initial date of enlistment in the National Guard. All adjustments in vacation and longevity pay as a result of this award shall be retroactive to 30 days prior to the date of filing of the grievance per Article 25, Section 25.02.

The Office of Collective Bargaining is to promptly notify all State agencies of this decision.

This award is limited to the five (5) grievants and applies to National Guard time only.

Signed and dated this 21st day of June, 2001 at Columbus, Ohio


Harry Graham, Arbitrator