

#1528

ARBITRATOR: WASHINGTON, DUSTIN

HEARING DATE: 9-7-01

GRIEVANT:

GRIEVANCE #: SEE ATTACHED

DEPARTMENT: OCB-DEPT. CORRECTIONS

UNION: OCSBA

MANAGEMENT ADVOCATE: McELVARD, JAMES

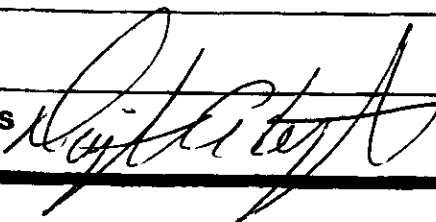
UNION ADVOCATE: LOMAX, PHIL

TIMELINESS OF THE GRIEVANCES RESOLVED AS
N.T.A. PURSUANT TO ARTICLE 25.10

All of the grievances failed to follow the
timeliness under Article 25. All parties must
follow the timeliness negotiated in Article
25. Therefore each of the grievances are
considered withdrawn.

ISSUED AT:
DATE: 9-7-01

ARBITRATOR'S
SIGNATURE:



The parties agree to NTA the following grievances:

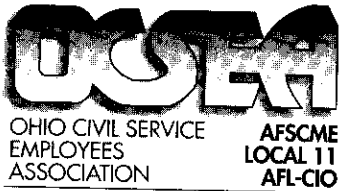
27-09-010119 - 0750-01-03	Childress
27-09-010226 - 0780-01-03	Comerford
27-09-000903 - 0722-01-03	Comerford
27-09-010123 - 0753-01-03	Cushion
27-09-010419 - 0793-01-03	Erskins
27-09-010104 - 0748-01-09	Flowers
27-09-010112 - 0749-01-03	Ludwig
27-09-010301 - 0781-01-09	Ludwig
27-09-001127 - 0733-01-03	Roberts
27-09-001220 - 0742-01-06	Schmitz
27-09-001220 - 0741-01-06	Schmitz

Jeffery Wilson - OCB

Charles Ludwig ACI Chapter 4710

James McEhin OCSEA STAFF

Philip Sauer - DRC



RONALD C. ALEXANDER
PRESIDENT
DAVID L. SLONE
VICE PRESIDENT
VANESSA TOLLIVER
SECRETARY-TREASURER
IRWIN M. SCHARFELD
EXECUTIVE DIRECTOR

May 11, 2001

Mr. Stephen Gulyassy, Deputy Director
Office of Collective Bargaining
106 North High Street, 7th Floor
Columbus, Ohio 43215

Re: ROSEMARY COMERFORD
27-09-(00-09-03)-0722-01-03
R&C Grafton Correctional

Dear Mr. Gulyassy:

This letter is to inform you that OCSEA/AFSCME Local 11 requests that the above-referenced grievance be taken to arbitration pursuant to Section 25.02 of the contract with the State of Ohio.

Thank you.

Sincerely yours,

Herman S. Whitter/ag

Herman S. Whitter, Attorney
Director, Dispute Resolution

Cc: James McElvain

Send to 3rd.



GRIEVANCE FORM

STATE OF OHIO - OCSEA AFSCME, LOCAL 11 AFL-CIO



Date: 07-09-00 Grievance #: 27-09(09-03-00) 722-01-03

Grievant(s) Name: R. Comerford Soc. Sec. # 298 - 40 - 9888

Home: 4350 W-210^{sr} Work Phone: 440 748-1161

City, State, Zip: _____ Home Phone: 440 331-2466

Job Classification: 40 Work Location: Special duty - Relief

Agency: ODOT Correctional

Steward Name: Garry Childress Work Phone: (440) 7481161

Home Address: _____

City, State, Zip: _____

Immediate Supervisor: LT EVERETT Work Phone: (440) 7481161

Suspension/Discharge Grievances:

The Union submits grievances involving suspension/fine/discharge at Step 3 within 14 calendar days of the date of notification of the discipline. Send the original completed form to the Agency Head or Designee.

All Other Grievances:

Contract interpretation grievances and written or oral reprimand grievances shall be filed at Step 1 of the grievance procedure.

Contract article(s) allegedly violated:

2.01
preamble
other applicable
articles

Witnesses:

11-27-00

Statement of facts (who, what, where, when?):

ON June 19, 2000, 40 Comerford submitted
a lite duty slip from her doctor. The ONLY RESTRICTION
was ONLY related to firing a SHOTGUN. 40 Comerford
was NOT permitted to work. The restriction was withdrawn on
July 3, 2000, 40 Spraggins has had the same restriction for TWO
years and has been permitted to work. The original
slips were short term and did NOT indicate a PERMANENT
restriction. 40 Comerford is white, 40 Spraggins is Black.

Remedy sought:

Full Back Pay, Roll call pay, 1 1/2 time pay for overtime
opportunities lost. Make Grievant in all ways whole
lease and Desist racial discrimination.

Signature: Garry Childress
(Grievant/Inion Representatives)

Date: 07-09-00

Step 1. Immediate Supervisor

Discuss within 10 working days of date of incident.

Deliver oral response within 3 working days of discussion; if not resolved, give written statement attached acknowledging discussion.

Date Received: 9-12-00

Date Discussed: 9-14-00

Date of Response: 9-14-00

Response by immediate supervisor: % Covertor returned to work with a doctor's slip stating she could return to work, but there was a 70 speed restriction. % Covertor's car not return to work with that kind of restriction. This doctor has nothing to do with race. Remedy sought is denied at this level. Was not aware % Swissair was not fire arms certified would like to thank the union members for bringing this to our attention, this matter will be taken care of.

Signature: [Signature]
(Immediate Supervisor)

Date: 9-14-00

Step 2. Intermediate Administrator

If appealing, the Union submits within 5 calendar days of receipt of Step 1 response or the date such answer was due, whichever is earlier.

Discuss within 7 calendar days; give response within 8 calendar days after discussion.

Date Received: _____

Date Meeting: _____

Date Response: _____

Signature: _____

(Intermediate Administrator)

Date: _____

See Attached Response

Step 3. Agency Head or Designee

If appealing, the Union submits within 10 calendar days of receipt of Step 2 response or the date such answer was due, whichever is earlier.

Meet within 15 calendar days unless mutually agreed otherwise: the agency head or designee will respond in writing within 35 calendar days after the meeting unless mutually agreed otherwise.

Date Received: _____

Date Meeting: _____

Date Response: _____

Signature: _____

(Agency Head or Designee)

Date: _____

See Attached Response

Late Step 3 Response: Meeting with the Office of Collective Bargaining requested.
(Date Step 3 response due: ____/____/____.)

Step 4. Office of Collective Bargaining

If appealing, the Union submits appeal to the Office of Collective Bargaining within 15 calendar days of receipt of Step 3 response or the date the response was due, whichever is earlier.

Submitted: _____

See Attached Response

If you are appealing beyond Step 1, a legible copy of the grievance form must be attached to appeal, and all previous step response must be attached.

