

THE STATE OF OHIO AND OCSEA, LOCAL 11
LABOR ARBITRATION PROCEEDING

In the matter, of the arbitration between

The State of Ohio, Ohio Civil Rights Commission

And

OCSEA, Local 11, AFSCME, AFL-CIO

Grievant: Patty Graham-Rich, OCSEA

Case Number: 02-10-20010410-0073-01-00

ARBITRATOR'S OPINION AND AWARD

Arbitrator: David M. Pincus

Date: November 13, 2001

Appearances:

For the Union:

Herman S. Whitter, Esq., Director of Dispute Resolution

Patty Rich, Classification Coordinator

Karen Vroman, Staff Representative

Desmond Martin, CRI 2

For the State

Andy Shuman, Advocate

Cindy Sovell-Klein, Chief of Operations

Gail Lively, DAS-Class & Comp

Nancy Stir, Manager, Labor and Quality

Keith McNeil, Director of Operations

Alan Clark, Deputy Director

Natalie Edwards, Labor Relations Specialist

INTRODUCTION

This matter was heard under the auspices of Article 36.05 (A), of the agreement between the above mentioned parties. The matter was heard on November 13, 2001 at the office of OCSEA, AFSCME Local 11, Westerville, Ohio. The parties initially asked the arbitrator to attempt to mediate the disputed matter, and the parties and the arbitrator agreed to this process. At some point during the day, the parties inquired if the arbitrator felt comfortable to render a binding award in an arbitration setting based on the issues raised and the evidence introduced during the course of the arbitrator's mediation effort. The arbitrator, after considering the parties request, agreed to issue an award based on the competent articulation of the matters in dispute. As a consequence, the mediation process was transformed into an arbitration hearing held on the date specified above.

The opinion and award specified below is based on a number of recognized principals. The award considered the PDQ's submitted as a foundation for the ruling to be described. The award, moreover, recognizes criteria specified in prior arbitration awards, for these standards were used as guiding principals.

OPINION AND AWARD

The record does not support the Union's proposed pay range increase for the CRI 1's (69111). The union was unable to convince the arbitrator that the six point differential was supported by the testimony and evidence at the hearing.

The Union was unable to convince the arbitrator that the Alternative Dispute Resolution Mediator classification point factoring was a legitimate comparable for the purpose of rendering this award. DAS never utilized this particular point factoring data, and to use it here would violate basic job evaluation tenants. Individual members of this particular class were accreted into the Bargaining Unit and performed duties and responsibilities that negated any comparable application.

The attached document reflects the appropriate compensation for the incumbents in the Civil Rights Investigator 2 (CRI 2) classification (69112). The employer is ordered to implement the approximate 4% increase reflected in the attached document as well as the various implementation dates as stated on the attachment.

The following guidelines apply when the new salary for reassignments is computed:

Classifications receiving a one-pay range increase:

1. Employees currently in pay range 30 in step 2 will be placed in step 2 of pay range 31.

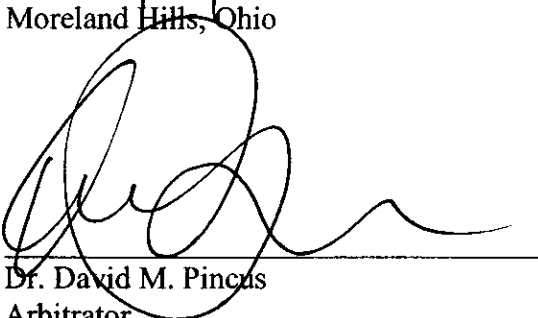
2. Employees currently in pay range 30 in step 3 will be placed in step 2 of pay range 31.
3. Employees currently in pay range 30 in step 4 will be placed in step 3 of pay range 31.
4. Employees currently in pay range 30 in step 5 will be placed in step 4 of pay range 31.
5. Employees currently in pay range 30 in step 6 will be placed in step 5 of pay range 31.
6. Employees currently in pay range 30 in step 7 will be placed in step 6 of pay range 31.

The parties believe the seniority roster used to develop the attached document is correct and complete. In the event any seniority computation dispute prior to September 1, 1994 arises as a consequence of the implementation process, OCSEA shall not grieve nor arbitrate this dispute. Any seniority computation dispute referencing a matter on or after September 1, 1994 shall be resolved by OCSEA, Dispute Resolution Department, and the Office of Collective Bargaining.

It should be noted that any new Civil Rights Investigator 2 (69112) vacancy that shall be filled prior to February 1, 2003 shall be posted at pay range 30, and shall follow the attached compensation schedule. On or after February 1, 2003, a CRI 2 shall be compensated at pay range 31.

11/13/01

Moreland Hills, Ohio


Dr. David M. Pincus
Arbitrator

Compensation of the Civil Rights Investigator 2

Attachment to Grievance # 02-10-20010410-0073-01-00

Effective July 1 2002

Employees currently in pay range 30 in step 7 will be placed in step 6 of pay range 31.

Brown, Lanore S
Anderson, Annette
Roberson, Betty J.
Walker, Paul A. Z.
Robinson, Richard A.
Baskin, William E. Jr.
Washington, Jerry W.
Lewis, Carl T.
Marcus, Eddie L.
Mays, Woodrow W. Jr.
Hollis, Phyllis J.
Dubiel, Joyce A.
Tudanca, Fernando
Vavosa, Lisa D.
Mossman, Carlyle
Norris, Dorothy A.
Brower, Rachel V.

Effective September 2002

Employees currently in pay range 30 in step 7 will be placed in step 6 of pay range 31

Skelton, Charlotte R.
Steele, Charles K.
Hayward, Gina M.
Jackson, Claudia I.
Mixon, Merletti C.
Williams, Ayn P.
Krosky, Robert J.
Woolridge, John F.
Fulcher, Laura P
Griffin, Sharon R.
Kwiatkowski, Michael
Phillips, Ophelia
Alford, William M.
Wills, Dianne M.
Martin, Desmon A.
Tolbert, Jacqueline

Effective December 2002

Employees currently in pay range 30 in step 6 will be placed in step 5 of pay range 31.

Jones, Carlton G.
Patrick, Sherron N
Lee, Ellena L

Employees currently in pay range 30 in step 5 will be placed in step 4 of pay range 31.

Maher, John E.

Upp, Marcena

Lohr, Richard A. Jr.

Effective February 2003

Employees currently in pay range 30 in step 4 will be placed in step 3 of pay range 31.

Krahl, Heather L.

Boggs, Ricky J.

Dunn, Bradley S

Wilkerson, Delores L.

Employees currently in pay range 30 in step 3 will be placed in step 2 of pay range 31.

Damm, Martha J.

Wallace, Gwendolyn R.

Asoba, Beyan H.

Foster, Keith E.

Employees currently in pay range 30 in step 2 will be placed in step 2 of pay range 31.

Matthews, Jason P.

Abdurraqib, Shuaib R..