

#1711

BENCH DECISION AND AWARD

☐ Expedited ☒ NTA

ARBITRATOR: DR. PINCUS

HEARING DATE: SEPTEMBER 12, 2003

GRIEVANT: LISA SIMMS

GRIEVANCE #: 27-20-20030124-5758-01-09

DEPARTMENT: DR & C

UNION: OCSEA

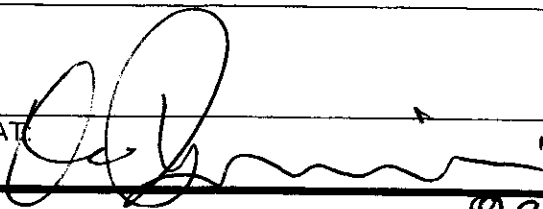
MANAGEMENT
ADVOCATE: DAVID BURRUSUNION
ADVOCATE: PATTY HOWELL

ISSUE

WAS THE GRIEVANT ENTITLED TO THE ACCOUNT CLERK II
POSITION IN THE PERSONNEL OFFICE? IF SO, WHAT SHALL
THE REMEDY BE?

AWARD

THE GRIEVANT SHALL BE PLACED INTO THE POSITION AS
IT WAS POSTED.

ISSUED AT
DATE:ARBITRATOR'S
SIGNATURE:

8/9/12/03

APPEAL AND PREPARATION SHEET

STATE OF OHIO
OCSEA AFSCME, LOCAL 11 AFL-CIO

Step 4 Grievance Designee
Office of Collective Bargaining
106 North High Street - 6th Floor
Columbus, Ohio 43215

Re:

Grievant Name: LISA SIMMS
Grievance #: 27-20-030124-5758-01-09
Chapter Name/Number: MANCI #7010
Agency/Work Location: DRFC Mansfield Ohio

AND

Your Assigned Staff Representative

- ☐ Removal ☐ Fines (# of days _____)
☐ Suspension (# of days _____)
☒ Issue (Contract Interpretation)

IF STEP 3 RESPONSE WAS NOT RECEIVED:

- ☐ Step 3 Response was due on ____/____/____ but was not received. The Union requests a Step 4 meeting.

Date the Appeal was mailed to Step 4 5/8/03 Staff Rep.: PATTY HOWELL

This letter is to inform you that we are appealing the above captioned grievance to Step 4 of the grievance procedure pursuant to Article 25.02 of the labor agreement between the State of Ohio and OCSEA AFSCME, Local 11, AFL-CIO.

Please send correspondence to: P.O. Box 788 Mansfield Correctional Inst.
ATTENTION Union President.
44901

TEAR HERE AND MAIL TO OFFICE OF COLLECTIVE BARGAINING.



Ohio Department of Rehabilitation and Correction

Bob Taft, Governor

www.drc.state.oh.us

1050 Freeway Drive North
Columbus, Ohio 43229
Reginald A. Wilkinson, Director

STEP THREE RESPONSE

Simms/ MANCI 27-20-030124-5758-01-09

April 29, 2003

A grievance was filed by the above-named in accordance with Article 25 of the collective bargaining agreement between the State of Ohio and OCSEA Local 11.

Therein it is alleged that management has violated the following Articles (s) and Section (s): 17.

A Step 3 Hearing was held at the facility on 3/11/03.

To the question of procedural objection, the parties had none.

FACTS: N/A

UNION CONTENTION: the grievant argues that the contract was violated on the basis that she was not selected for lateral transfer to the position of Account Clerk 2. The grievant argues that as the senior applicant she should have been awarded the position.

REMEDY: to be awarded the position of Account Clerk 2 and to be made whole.

DISCUSSION AND DECISION: While the grievant was entitled to the position in question the fact remains that she did not receive it. The grievant has been offered the next available Account Clerk 2 position but she rejected that offer. On that basis the grievance is denied at step three of the grievance procedure.

Teri Decker
Bureau of Labor Relations
TLD: DJB

David J. Burrus
Step 3 Hearing Officer

C: OCB, Labor Relations Officer, and Union, file



GRIEVANCE FORM

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



Date:	1/23/03	Grievance #:	27-20(03-1-24)(5758) 81-05
Grievant(s) Name:	Lisa Sims	Soc Sec#:	
Home Address:		Work phone: ()	
City, State, Zip:		Home phone: ()	
Job Classification:	Secretaries	Work location:	
Agency:	DR+C		
Steward name:	Billy Stevens	Work phone: ()	
Home address:			
City, state, zip:			
Immediate supervisor:	Michelle Becher	Work phone: ()	

Suspension / Discharge Grievances:

The Union submits grievances involving suspension /fine/discharge at Step 3 within 14 calendar days of the date of notification. 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:

Art 17

Any Pertaining Articles

Witnesses:

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

Lisa Sims is grieved over the fact that she was not selected for the position of Account Clerk 2, PCN 12080 posted 11/22/02 - 12/2/02. Ms Sims does meet minimum qualifications and was the applicant with the highest seniority. Ms Sims received notice that the position was awarded to Marianna Lehr (From another institution).

Remedy sought: To be awarded the position of Account Clerk 2 and to be made whole.

Signature:

Billy Stevens

(Grievant/Union Representatives)

Date:

1/23/03



Ohio Department of Rehabilitation and Correction

Bob Taft, Governor

www.drc.state.oh.us

1050 Freeway Drive North
Columbus, Ohio 43229

Reginald A. Wilkinson, Director

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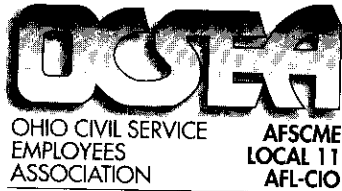
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RONALD C. ALEXANDER
PRESIDENT
DAVID L. SLONE
VICE PRESIDENT
VANESSA TOLLIVER
SECRETARY-TREASURER
IRWIN M. SCHARFELD
EXECUTIVE DIRECTOR

June 5, 2003

Mr. Steve Loeffler, Deputy Director
Office of Collective Bargaining
100 East Broad Street, 18th Floor
Columbus, Ohio 43215

Re: LISA L SIMS
27-20-(03-01-24)-5758-01-09
R&C Mansfield Correctional Ins

Dear Mr. Loeffler::

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/pa

Herman S. Whitter, Attorney
Director, Dispute Resolution

Cc: Patricia Howell



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STEVE LOEFFLER, DEPUTY DIRECTOR
OFFICE OF COLLECTIVE BARGAINING
100 E. BROAD ST, 18TH FLOOR
COLUMBUS, OH 43215