

#1998

## Opinion and Award

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In the Matter of the State of Ohio

and

The Ohio Civil Service Employees Association, Local 11

Grievant: Kevin Birchfield

Grievance #: 27-22-(08-01-18)-0008-01-03

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### Arbitrator's Award and Opinion

Arbitrator: David M. Pincus

Date: November 12, 2008

#### Appearances:

##### For the Employer:

Allison Vaughn

Advocate

Ray Mussio

Second Chair

##### For the Union:

Kevin Birchfield

Grievant

Terry Hollon

Witness

Patricia Howell

Advocate

### AWARD

1. The DAS Drug-Free Workplace Program will provide a letter to Kroll to disseminate to its collections sites reiterating when a collection site should conduct drug and/or alcohol tests for employees that have been injured and are being treated for workers compensation injury containing the following information:

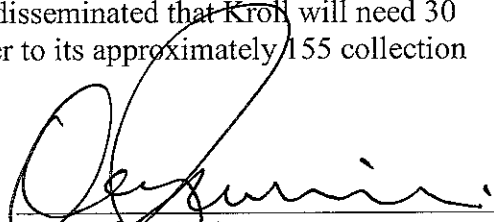
- A. At the request of the Employer when there is reasonable cause to suspect the employee may be intoxicated by or under the influence of a controlled substance not prescribed by his/her doctor; OR
- B. At the request of a Licensed Physician who is not employed by the employer; OR
- C. At the Request of Police Officer pursuant to a traffic stop and not at the request of the employee's employer;

2. In addition this letter will provide for tests that are conducted per the request of the Employer, an agency management designee will verbally contact the collection site to coordinate the test and that the collection site should update their database to reflect this. If a collection site is not verbally contacted by an agency management designee, it may not conduct the test and if it is done, it will be invalid and the agency will not process payment for the test.

3. The Union will have an opportunity to review the letter prior to its dissemination. The parties agree and understand that once the letter is disseminated that Kron will need 30 days to ensure that it is able to disseminate the letter to its approximately 155 collection sites.

Date

11/10/08

  
Dr. David M. Pincus  
Arbitrator