**OCB AWARD NUMBER: 2105**

|  |  |
| --- | --- |
| **SUBJECT:** | **ARB SUMMARY # 2105** |
| **TO:** | **ALL ADVOCATES** |
| **FROM:** | **KRISTEN RANKIN** |
| **OCB GRIEVANCE NUMBER:** | **29-04-20090319-996-01-14** |
| **DEPARTMENT:** | Rehabilitation Services Commission |
| **UNION:** | OCSEA |
| **ARBITRATOR:** | David M. Pincus |
| **GRIEVANT NAME:** | Donna Carter |
| **MANAGEMENT ADVOCATE:** | Bobby Johnson |
| **2ND CHAIR:** | David Long |
| **UNION ADVOCATE:** | Sharon Ralph |
| **ARBITRATION DATE:** | December 2, 2010 |
| **DECISION DATE:** | August 19, 2010 |
| **DECISION:** | Denied |
| **CONTRACT SECTIONS:** | Article 17 |
| **OCB RESEARCH CODES:** | Promotions-Minimum Qualifications—119.1223; Promotions-Selection in General—119.01; Past Practices-Job Classifications—24.358 |
|  |  |

**HOLDING: Grievance DENIED. The Arbitrator found that the promotional test was scored properly and the scoring key was reasonable.**

In July of 2004, the Employer and the Union established a career ladder for those employees seeking promotions from a Disability Claims Adjudicator 2 (DCA 2) position to a DCA 3 position. There were two components to the test: Multiple Choice and Written exercise scored separately. The Employer set the pass point for the test at seventy-two percent (72%). All applicants that exceeded this test score were automatically promoted to a DCA 3 position. The Grievant was a DCA 2 applying for a DCA 3 position within the department. In March 2009, the Grievant decided to seek this promotional opportunity by taking a required test. The Grievant scored a seventy point five nine percent (70.59%) and was not promoted. All tests were not anonymously graded. The Grievant had not taken the DCA 3 test since March 2009.

The Union arguedthat the written portion of the promotional exam was not scored correctly. As such, the contested position should be awarded to the Grievant with full back pay. The “test rater” erred when computing the Grievant’s score on the written portion of the exam.

The Employer arguedthat the Grievant’s written portion of the DCA 3 promotional test was scored correctly. As such, she was properly denied this promotional opportunity. The spelling criterion was properly applied by Mark Sparadlin, a veteran disability manager. He applied the criteria consistently with all applicants.

The Arbitrator foundthat the Grievant’s written portion of the promotional test was scored properly. As such, the Employer’s decision to deny the disputed promotion was proper. The adaptation of the scoring key by Sparadlin was reasonable.