**OCB AWARD NUMBER: 2187**

|  |  |
| --- | --- |
| **SUBJECT:** | **ARB SUMMARY # 2187** |
| **TO:** | **ALL ADVOCATES** |
| **FROM:** | **DAVID LONG** |
| **OCB GRIEVANCE NUMBER:** | **02-10-20110310-0011-05-02** |
| **DEPARTMENT:** | **Department of Administrative Services** |
| **UNION:** | **FOP** |
| **ARBITRATOR:** | **Robert Stein** |
| **GRIEVANT NAME:** | **Steve Stocker, Et al** |
| **MANAGEMENT ADVOCATE:** | **Michael Duco** |
| **UNION ADVOCATE:** | **Paul Cox** |
| **ARBITRATION DATE:** | **09/11/2012** |
| **DECISION DATE:** | **12/05/2012** |
| **DECISION:** | **Modified** |
| **CONTRACT SECTIONS:** | **Article 65.03 – Classification Review** |
| **OCB RESEARCH CODES:** | **94.169 – Classification and Wages** |

**HOLDING: Grievance modfied. The Arbitrator found that the Class and Comp section erred in its review of the classification of Enforcement Agent, resulting in a total score of 82 placing it in pay range 11. FOP appealed 3 categories winning 2 of those appeals. However, the revised score was still insufficient to place the classification into pay range 12.**

The FOP requested a classification review for the classification of Enforcement Agent. The Department of Administrative Services, Workforce Administration’s Classification and Compensation (DAS) section reviewed the classification using the Jacob’s Classification System. This resulted in the classification receiving a total of 82 points, which kept the position in pay range 11. In order for the classification to be in pay range 12, a total of 92 points would have to have been achieved.

The Union argued that DAS erred in its review by underrating the Enforcement Agent classification which resulted in that classification remaining in pay range 11. The Union disputed 3 specific categories, out of a total of 13, in which DAS underrated the classification: Worker Characteristics (WC) – 4 points under, Personal Contacts (PC) – 6 points under, and Safety of Others (SO) 3 points under, which resulted in a 13 point disparity with what was scored by DAS. The Union also argued that there was no proof presented by management for the questionable category scores. Upon reviewing the classification and reevaluating the categories, the Union offered up different set of category scores, based on the classification’s assignments and job duties. The Union’s scoring would place the classification into pay range 12.

Management contended that the Jacob’s Classification System is based upon objective and subjective criteria. Management argued that it must be given the presumption of correctness due to the fact that there is no way to empirically prove that DAS violated any scoring process or committed any errors in its analysis. Management contended that the Union’s argument resides on a differing judgment regarding three factors out of a total of thirteen.

The Arbitrator found that the Union had a valid argument in its appeal for 2 of the 3 categories listed. The Arbitrator granted the grievance in part regarding the score of the PC category (6 points) as well as the SO category (3 points). The Arbitrator denied the grievance in part regarding the score of the WC (4 points) as the Union did not provide any evidence to suggest that Management was in error in scoring this category. This resulted in a 9 point increase in the classification’s overall score to 91, which still puts the classification below the 92 point threshold for pay range 12.