**OCB AWARD NUMBER: 2247**

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| **SUBJECT:** | **ARB SUMMARY # 2247** |
| **TO:** | **ALL ADVOCATES** |
| **FROM:** | **DAVID LONG** |
| **OCB GRIEVANCE NUMBER:** | **02-10-20130729-0011-01-03** |
| **DEPARTMENT:** | **Department of Commerce** |
| **UNION:** | **OCSEA** |
| **ARBITRATOR:** | **Howard D. Silver** |
| **GRIEVANT NAME:** | **Sandi Friel** |
| **MANAGEMENT ADVOCATE:** | **Andrew Shuman** |
| **UNION ADVOCATE:** | **Patty Rich** |
| **ARBITRATION DATE:** | **2-20-2014** |
| **DECISION DATE:** | **4-14-2014** |
| **DECISION:** | **GRANTED** |
| **CONTRACT SECTIONS:** | **Article 36.05** |
| **OCB RESEARCH CODES:** | **94.169-Classification-Wages** |

**HOLDING: Grievance GRANTED. The Employer erred when applying the “Jacobs Point/Factor” review. Correcting the error will result in a pay range increase for the relevant class specification.**

*Facts.* The Ohio Department of Administrative Services (DAS) proposed a class revision and class series title change to the arson investigation classification series. Major changes to the series were implemented. In order to determine the proper pay range for these positions post-revision, DAS performed a “Jacobs Point/Factor” review. No change in pay range, however, occurred. It remained at 32. The Union was displeased with this result. They contended that the proper pay range was 33 or 34. So they filed a class action grievance.

*The Employer’s Argument.* The Employer did not err in its application of the “Jacobs Point/Factor” review. There are three reasons why: (1) the Employer did not conduct the review in an arbitrary or capricious manner; (2) they considered all relevant information; and (3) they correctly applied its standards.

*The Union’s Argument*. The proper pay range, post-classification revision, is 33 or 34. Changes to the arson investigation classification series included changes to class title, series purpose, class concept, job duties, major worker characteristics, training and development, and minimum qualifications. These modifications were substantial, broadening and complicating the classification’s duties. And the “Jacobs Point/Factor” review should reflect that. Of the twelve “Jacobs Point/Factor” review categories, the Union and the State disagreed on three: (1) worker characteristics; (2) safety of others; and (3) mental skills. A higher degree should be given in each of these categories. Consequently, the pay range should increase.

*Holding.* The Employer erred when applying the “Jacobs Point/Factor” review. Post-revision, the worker characteristics and mental skills degrees applied were improper. Correcting the error will result in a pay range increase for the relevant class specification. The proper pay range is 33.