

BENCH DECISION AND AWARD

Expedited  NTA

ARBITRATOR: Susan Grody Ruben

HEARING DATE: 8-26-09

GRIEVANT: Kim Miller

GRIEVANCE #: 35-24-20090203-

DEPARTMENT: DYS

UNION: OCSEA 0003-01-03

MANAGEMENT ADVOCATE: Melinda Hepper

UNION ADVOCATE: Jennie Lewis

ISSUE

Arbitrability: whether the grievance was timely filed pursuant to Article 25.02.

AWARD

The Grievant was served with removal paperwork on January 8, 2009. Article 25.02 requires filing of the grievance within 14 days of notification.

The grievance was filed February 2, 2009, 11 days past the negotiated deadline. The

Arbitrator acknowledges DYS announced <sup>on January 8, 2009</sup> the closure of the Marion Juvenile Correction Facility, which understandably resulted in much Union activity during this period. Arbitration awards between the Parties establish, however, the Article 25.02 timelines are strictly construed. Accordingly, the Arbitrator finds the grievance untimely under Article 25.02 and

ISSUED AT: accordingly, not arbitrable.  
DATE: LOCSEA, 8-26-09

ARBITRATOR'S SIGNATURE:

*Susan Grody Ruben*

RECEIVED / REVIEWED

AUG 26 2009