

#764

Cl 4/22/01
REVIEWED BY

AFSCME, Local 11, AFL-CIO

and

STATE OF OHIO
OFFICE OF COLLECTIVE BARGAINING

Appearing for the Union
Herman S. Whitter, 1st Chair
Director Of Dispute Resolution/.Att.

: Arbitrator: Harry Graham
: :
: Grievant: Marshelle Steele
: :
: 34-26-(99-02-19)-0012-01-09
: :
: Issue: Bereavement Leave
: :
: Date of Hearing: June 21, 2001
: :
: Appearing for the State
: **Jeff Wilson, 1st Chair**
: Labor Relations Spec.
: **Michael P. Duco, 2nd Chair**
: Mgr of Dispute Resolution/Atty

ARBITRATOR'S DECISION AWARD

This dispute is identical in certain respects to the dispute confronted by Arbitrator John Drotning in Case No. 11-05-(89-11-22)-0052-01-09 etc. Among the grievants in that dispute was Marilyn Hale. Mrs. Hale had applied for bereavement leave upon the death of her stepfather. In due course, it was denied. Arbitrator Drotning upheld Mrs. Hale's grievance. He noted that "her stepfather stood in place of a parent and, in fact, acted as a parent..."

In this situation, no doubt exists that Mr. Steele's aunt was his *defacto* Mother. From the death of his biological mother, she performed all aspects of motherhood for Mr. Steele. Upon his marriage to Marshelle, Mr. Steele's aunt was her *defacto* mother-in-law. She had stood "in the place of a parent" (Article 30, Section 30.03). The deceased fulfilled two tests set forth in the agreement: (1) she was Marshelle Steele's mother-in-law and (2) she stood "in the place of a parent". (Mr. Steele's biological mother)

Award: The grievance is sustained. The grievant is to receive 3 days bereavement leave. Vacation used to attend the funeral of her husband's aunt is to be restored to her account.

Signed and dated this 21st day of June, 2001 at Columbus, Ohio.


Harry Graham, Arbitrator