

#771

ARBITRATION DECISION

August 17, 2001

In the Matter of :

State of Ohio)
Rehabilitation Services Commission)
and) Case Nos. ²⁹~~24~~-04-20000407-0432-01-14
Ohio Civil Service Employees Association,) 29-04-20000118-0427-01-14
AFSCME Local 11, AFL-CIO)

APPEARANCES

For the State:

Michael Duco, Manager, Dispute Resolution, Office of Collective Bargaining
Kate Stires, Labor Relations Specialist, Office of Collective Bargaining
Bruce Mrofka, Manager, Labor Relations, Rehabilitation Services Commission
John Nosse, Labor Relations Officer, Rehabilitation Services Commission
Mary Pat Marchion, Test Development Manager, Department of Administrative Services
Mike Esker, Human Resources Officer, Rehabilitation Services Commission
Diana L. Clarke, Ph.D., President, Silverwood Associates

For the Union:

Herman S. Whitter, First Chair, Director, Dispute Resolution
Robert W. Steele Sr., Second Chair
Ronald L. Jacobs, Ph.D., Consultant
Sheryl Leftwich, Chief Steward
Laura Hardie, Chapter President
Jeff Harper, Grievant

Arbitrator:

Nels E. Nelson

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REVIEWED BY

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GRIEVANCE COORDINATOR

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CONSENT AWARD

1. The parties agree to establish a mentoring/tutorial program. The purpose of the program is to improve scores and competencies on applicable tests. Such program shall be made available only to employees who request assistance from Human Resources. The employer shall act in good faith to provide said mentoring/tutorial assistance as soon as possible to the requesting employees; however, in no case shall the meeting be beyond thirty (30) days of the request unless there is a mutual agreement of the parties. In addition, management shall advise the members of possible ways of increasing their scores on future tests.

2. The employer's testing expert/consultant including the agency use of DAS and the union's testing expert/consultant shall do the following:

- (a) Review competencies, KSAs, and test items
- (b) Analyze item analysis from past administrations of the DCA 3 and DCS tests
- (c) Revise test items as required
- (d) Assist in implementing a system to monitor test item performance
- (e) Each party shall pay the cost of its respective expert/consultant including the agency's use of DAS

3. (a) The parties agree that tests for the DCA 3 and DCS are content valid. Further, the parties agree that upon completion of the requirements of item 2 and mutual agreement of the parties' respective experts/consultants, these tests shall be construed reliable and predictable.

(b) All issues pertaining to the tests shall not be grievable assuming the provisions of 3(a) above are met, but will be referred to the experts/consultants for resolution.

4. The following employees shall each be compensated \$2000.00 minus applicable deductions:

DCA 3

Felicia Brown

Cynthia Powell

Joyce Smith

Jeff Harper

Jack Mellman

Scott Pace

DCS

Flora Phillips

June Mattison

The employer shall comply with Section 25.01(H) in terms of processing the above payment; however, the employer agrees to make every reasonable effort in initiating payment as soon as possible.

5. The union withdraws the following grievances:

(1) A-HR-BAM-20-01
29-04 (07-27-01) 461-01-14

(2) A-HR-BAM-21-01
29-04 (08-01-01) 462-01-14

(3) A-HR-BAM-18-01
29-04 (06-27-01) 460-01-14

(4) A-HR-BAM-01-00
29-04 (01-18-00) 427-01-14

• (5) A-HR-BAM-02-01
29-04 (01-12-01) 450-01-14

(6) A-HR-BAM-09-00
29-04 (04-07-00) 432-01-14

6. Prior to the DCS test being given on or about August 27, 2001, the respective parties' experts/consultants shall mutually agree on the scoring and administration of the test.



Nels E. Nelson
Arbitrator

August 17, 2001
Russell Township
Geauga County, Ohio