

ARBITRATION DECISION NO.:

394

UNION:

OCSEA, Local 11, AFSCME, AFL-CIO

EMPLOYER:

Rehabilitation Services Commission

DATE OF ARBITRATION:

DATE OF DECISION:

November 18, 1991

GRIEVANT:

Rachel Rostoffer Grove

OCB GRIEVANCE NO.:

29-04-(88-11-10)-0036-01-09

ARBITRATOR:

Harry Graham

FOR THE UNION:

Maxine Hicks

FOR THE EMPLOYER:

Phyllis Dempsey

KEY WORDS:

Minimum Qualifications

Promotion

Word Processing

Specialist 2

Time for Completing

Requirements

ARTICLES:

Article 17 - Promotions
and Transfers

§17.01-Promotion

Article 25 - Grievance

Procedure

§25.01-Process

FACTS:

The Rehabilitation Services Commission posted for a vacancy as a Word Processing Specialist 2. The grievant applied for the vacancy on November 2, 1988. On November 3, 1988, the department denied her bid based on its belief that she did not meet the minimum qualifications for the position. Specifically, the employer contended that the grievant had not met the requisite of completing two courses in word

processing.

UNION'S POSITION:

At the time of her bid, the grievant had completed one course in word processing and was in the process of taking another. In addition, she had completed a course in Business Data Processing at Columbus State College. Shortly after submitting her application for the Word Processing Specialist 2 position, the grievant successfully completed the second of the two word processing courses. She completed the second course on December 12, 1988. The application deadline was on November 2, 1988. The union asserts that this small discrepancy should not obscure the fact that the grievant was qualified for the vacancy. As she was senior to the person who was awarded the position and also possessed additional qualifications by virtue of her completion of the Business Data Processing course, the Union urges she be awarded the vacancy.

EMPLOYER'S POSITION:

Part of the minimum qualifications for the position require that applicants have two college level courses in word processing. The grievant enrolled for the courses and successfully completed them. The defect in her application was the fact that she completed the second course after bidding on the vacant position. There must be a deadline. A deadline is a deadline. If there is no ending point to the process, the employer will be unable to ever successfully defend its selection of one candidate over another. The course in Business Data Processing taken by the grievant is not a course in word processing. This is evidenced by the course description. Consequently, the grievance should be denied.

ARBITRATOR'S OPINION:

At some time the application process must close. The grievant did not possess the two college level courses in word processing at the time of her application. Were this grievance to be granted, it requires no stretch of the imagination to conceive of a dispute where an applicant denied a position would claim to have met the qualifications two months after application. Then perhaps we would see three months. When a position is open for bid an applicant must meet its required qualifications. Those qualifications must be met at the time of application, not some time afterward. The grievant's course in Business Data Processing is not the same as word processing course. The vacancy in question was a word processing vacancy. No reason exists to credit the grievant with the Business Data Processing course when it is not relevant for the vacancy in question.

AWARD:

The grievance is denied.

TEXT OF THE OPINION:

In the Matter of Arbitration
Between

OCSEA/AFSCME Local 11

and

**The State of Ohio,
Rehabilitation Services Commission**

Case Number:

29-04-(11-10-88)-0036-01-09

Before:

Harry Graham

Appearances:

For OCSEA/AFSCME Local 11:

Maxine Hicks

For Rehabilitation Services Commission:

Phyllis Dempsey

Introduction:

This is one of several disputes in which the Grievant and the Union allege the State violated the Collective Bargaining Agreement by failing to promote senior applicants for vacant positions.

Issue:

The issue in this case is:

"Was Rachel Grove improperly denied a promotion? If so, what shall the remedy be?"

Background:

The facts in this case are not in dispute. The State posted for a vacancy as a Word Processing Specialist 2. The Grievant, Rachel Rostoffer Grove, applied for the vacancy on November 2, 1988. On November 3, 1988 the State denied her bid. It was of the view that she did not meet the minimum qualifications for the position.

A grievance protesting the denial of the vacant position to Ms. Grove was filed. The parties agree it is properly before the Arbitrator for determination on its merits.

Position of the Union:

The Rehabilitation Services Commission had recognized its need for improving the skills of its employees in the area of word processing. To this end it had arranged for training in word processing at Columbus State College. That training involved two courses in word processing. These were Word Perfect and Lotus 123. Both programs are widely used.

At the time of the bid the Grievant had completed one, but not the other, of the two courses offered by the Department. In addition, she had completed a course in Business Data Processing at Columbus State College. Shortly after submitting her application for the Word Processing Specialist 2 position Ms. Grove successfully completed the second of the two courses at Columbus State. She completed the second course on December 12, 1988. The application deadline was on November 2, 1988. This small discrepancy should not obscure the fact that Ms. Grove was qualified for the vacancy. As she was senior to the person who was awarded the position and also possessed additional qualifications by virtue of her completion of the Business Data Processing course, the Union urges she be awarded the vacancy.

Position of the Employer:

Under the specifications established by the State for the Word Processing Specialist 2 position it was required that employees have two college level courses in word processing. The Grievant enrolled for the courses and successfully completed them. The defect in her application was the fact that she completed the second course after bidding on the vacant position. There must be a deadline. A deadline is a deadline. If there is no ending point to the process, the Employer will be unable to ever successfully defend its selection

of one candidate over another.

The course in Business Data Processing taken by Ms. Grove is not a course in word processing. This is evidenced by the course description. No weight whatsoever should be given to the fact that Ms. Grove has that course on her record according to the Employer.

Furthermore, Ms. Grove's application did not show she had experience in word processing. Any post-application evidence should be disregarded according to the State. Consequently, the State urges the Grievance be denied.

Discussion:

At some time the application process must close. The Grievant did not possess the two college level courses in word processing at the time of her application. When is the process to cease? Were this grievance to be granted it requires no stretch of the imagination to conceive of a dispute where an applicant denied a position would claim to have met the qualifications two months after application. Then perhaps we would see three months. When a position is open for bid an applicant must meet its required qualifications. Those qualifications must be met at the time of application, not some time afterward.

Ms. Grove's course in Business Data Processing is not the same as a word processing course. The vacancy in question was a word processing vacancy. No reason exists to credit Ms. Grove with the Business Data Processing course when it is not relevant for the vacancy in question.

Award:

The grievance is DENIED.

Signed and dated this 18th day of November, 1991 at South Russell, OH.

Harry Graham
Arbitrator