



**COLLECTIVE BARGAINING CLARIFICATION LETTER
NO. 01-07-03**

TO: ALL LABOR RELATIONS OFFICERS AND PERSONNEL OFFICERS

FROM: STEPHEN V. GULYASSY, DEPUTY DIRECTOR

SUBJECT: **PROMOTIONS PAY RANGE 28 OR HIGHER: SECTION 17.05 -
OCSEA CONTRACT**

DATE: August 1, 2001

Clarification Letter No. 99-03-03, originally issued on March 25, 1999, is superseded by this letter.

During the bargaining of 1993-94, the State achieved a change within the promotional language contained in Article 17 of the Collective Bargaining Agreement between OCSEA and the State of Ohio. This changed the criteria by which promotional selections are to be made for positions in classifications which are assigned to pay range 31 or above. The language was contained in §17.06(A)(1) of the 1994 Agreement; and the section was renumbered in the 1997 Agreement to be 17.05(A)(1). Thereafter during the 2000-2001 bargaining the language in Section 17.05 was changed again to apply to positions in classifications assigned to pay range 28 or higher.

Section 17.05-Selection

If the position is in a classification which is assigned to pay range twenty-seven (27) or lower, the job shall be awarded to the qualified employee with the most State seniority unless the Agency can show that a junior employee is demonstrably superior to the senior employee. If the position is in a classification which is assigned to pay range twenty-eight (28) or higher, the job shall be awarded to an eligible bargaining unit employee on the basis of qualifications, experience and education. **When these factors are substantially equal, State seniority shall be the determining factor.**

The Employer retains the right to establish the pool of candidates to be assessed from among those bargaining unit applicants who possess and are proficient in the minimum qualifications, the position description and the classification specification.

While the language provides a great deal of management discretion, it does not provide that a less qualified bargaining unit applicant, nor any non-bargaining unit applicant, may be selected, so long as any bargaining unit applicant possesses and is proficient in the minimum qualifications of the position description and the classification specification.

As always, please call or write your Labor Relations Specialist (614) 466-0570 with any questions that you may have regarding this or other subjects.