

STATE EMPLOYMENT RELATIONS BOARD

STATE OF OHIO

MINUTES

The State Employment Relations Board met on Thursday, January 30, 2003, at 10:00 a.m., at 65 East State Street, Columbus. Present at the meeting were Chairman Drake, Vice Chairman Gillmor, and Board Member Verich.

I. APPROVAL OF MINUTES FOR PREVIOUS MEETING:

Vice Chairman Gillmor moved that the Minutes for the meeting on January 16, 2003, be approved. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied \_\_\_

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

There were no Mediation matters for this Board Meeting.

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 02-REP-11-0234 Ohio Patrolmen's Benevolent Association and City of Olmsted Falls

In Case 02-REP-11-0234 Board Member Verich moved that the Board certify the Employee Organization in the above-cited case as the exclusive representative of all employees in the relevant bargaining unit. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied \_\_\_

2. Case 02-REP-10-0210 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Carlisle Local School District Board of Education, February 11, 2003



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8. Case 02-REP-06-0116 Municipal Construction Equipment Operators' Labor Council and International Union of Operating Engineers, Local 18, AFL-CIO and City of Cleveland

- There were 46 ballots cast
- There was 1 challenged ballot
- No Representative received 0 votes
- International Union of Operating Engineers, Local 18, AFL-CIO received 7 votes
- Municipal Construction Equipment Operators' Labor Council received 38 votes and has prevailed in this election.

In Case 02-REP-06-0116 Vice Chairman Gillmor moved that the Board certify the election result and certify the employee organization as the exclusive representative of all employees in the relevant bargaining unit. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
                 Affirmed X                      Denied \_\_\_

9. Case 02-REP-10-0212 Jamie Hardin and Hotel Employees and Restaurant Employees Union, United Nursing Industry and Technical Employees Division, AFL-CIO and Hardin County Commissioners (Hardin Hills Health Center)

Board Member Verich moved that the Board lift Case 02-REP-10-0212 from the pending matters. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
                 Affirmed X                      Denied \_\_\_

In the same matter Vice Chairman Gillmor moved that the Board construe the Employee Organization's letter as a motion to revoke its certification, grant the motion, and dismiss as moot the Petition for Decertification Election. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
                 Affirmed X                      Denied \_\_\_

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IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 00-ULP-12-0751                    SERB v. City of Hamilton
2. Cases 02-ULP-05-0367                SERB v. Hopewell-Loudon Local School  
      02-ULP-05-0360                    District Board of Education
3. Case 02-ULP-06-0426                SERB v. Ohio Association of Public School  
   Employees, AFSCME Local 4, AFL-CIO and Its  
   Local 233, AFL-CIO and Barbra Phillips
4. Case 02-ULP-06-0451                SERB v. Ashland City School District Board of  
   Education
5. Case 02-ULP-07-0483                SERB v. Riverside Local School District Board of  
   Education and Superintendent John Scheu
6. Case 02-ULP-08-0535                Jackson-Milton Educators' Association, OFT/AFT  
   v. Jackson-Milton Local School District Board of  
   Education
7. Case 02-ULP-08-0570                Fraternal Order of Police, Ohio Labor Council,  
   Inc. v. Hamilton County Sheriff

Board Member Verich moved that the Board approve and adopt the settlement agreements, construe the settlement agreements as motions to withdraw and dismiss, grant the motions, dismiss the complaints, and dismiss with prejudice the unfair labor practice charges. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                    GILLMOR Aye                    VERICH Aye  
   Affirmed X                    Denied    

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 02-ULP-09-0644                Fraternal Order of Police, Ohio Labor Council,  
   Inc. v. Hamilton County Sheriff

In Case 02-ULP-09-0644 Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                    GILLMOR Aye                    VERICH Aye  
   Affirmed X                    Denied

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2. Case 02-ULP-10-0659 Princeton Association of Classroom Educators, OEA/NEA and Ken Ferris v. Princeton City School District Board of Education

In Case 02-ULP-10-0659 Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye      VERICH Aye  
         Affirmed X                              Denied   

3. Case 02-ULP-09-0623 Communications Workers of America, Local 4530 v. University of Toledo

In Case 02-ULP-09-0623 Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party and as untimely filed. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye      VERICH Aye  
         Affirmed X                              Denied   

4. Case 02-ULP-09-0604 Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 280 v. State of Ohio, Department of Rehabilitation and Correction, Lima Correctional Institution

In Case 02-ULP-09-0604 Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye      VERICH Aye  
         Affirmed X                              Denied   

5. Case 02-ULP-10-0662 Ohio Patrolmen's Benevolent Association v. City of Warren

In Case 02-ULP-10-0662 Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally requiring a physician's certificate for sick leave, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye      VERICH Aye  
         Affirmed X                              Denied

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6. Cases 02-ULP-10-0705 Kevin J. Stewart v. City of Cincinnati  
02-ULP-10-0706 Kevin J. Stewart v. Ohio Council 8, American Federation of State, County and Municipal Employees, Local 190, AFL-CIO

In Cases 02-ULP-10-0705 and 02-ULP-10-0706, Board Member Verich moved that the Board dismiss the charges with prejudice as untimely filed. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied \_\_\_

7. Case 02-ULP-09-0587 Youngstown Police Association, Ohio Patrolmen's Benevolent Association v. City of Youngstown

In Case 02-ULP-09-0587 Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally implementing Ordinance 02-176 regarding City vehicles, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied \_\_\_

8. Case 02-ULP-09-0637 Norwalk Fire Fighters, Local 1199, IAFF v. City of Norwalk

9. Case 02-ULP-09-0582 Ohio Patrolmen's Benevolent Association v. City of Niles

In Cases 02-ULP-09-0637 and 02-ULP-09-0582, Board Member Verich moved that the Board construe the letters requesting withdrawal as motions to withdraw, and grant all motions with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied \_\_\_

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10. Case 02-ULP-09-0607 Service Employees International Union, District 1199 v. State of Ohio, Department of Rehabilitation and Correction, Lorain Correctional Institution and Thom Skutt

In Case 02-ULP-09-0607 Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Parties. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
         Affirmed X                      Denied   

11. Case 02-ULP-10-0674 Avon Lake Fire Fighters, Local 1361 v. City of Avon Lake

In Case 02-ULP-10-0674 Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
         Affirmed X                      Denied   

12. Case 02-ULP-09-0640 Jeffrey Justham v. Ohio Council 8, American Federation of State, County and Municipal Employees, Local 3088, AFL-CIO

In Case 02-ULP-09-0640 Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
         Affirmed X                      Denied   

13. Case 02-ULP-10-0702 Theophilus Hudson v. City of Cleveland

In Case 02-ULP-10-0702 Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
         Affirmed X                      Denied

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14. Case 02-ULP-10-0707 Eddie Washington v. City of Cleveland  
02-ULP-11-0728 Eddie Washington v. Laborers' International Union  
02-ULP-12-0815 of North America, Municipal, County and State  
Employees' Union Local 1099

In Cases 02-ULP-10-0707 and 02-ULP-11-0728, Vice Chairman Gillmor moved that the Board dismiss the charges with prejudice for lack of probable cause to believe that unfair labor practices have been committed by the Charged Parties, and, in Case 02-ULP-12-0815, dismiss the charge with prejudice as being a duplicate filing. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied \_\_\_

15. Case 02-ULP-09-0586 Ohio Civil Service Employees Association,  
AFSCME Local 11, AFL-CIO, Chapter 280 v.  
State of Ohio, Department of Public Safety

In Case 02-ULP-09-0586 Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) by interviewing employees to learn the identity of the employee who reported a work incident to an OCSEA staff representative and by threatening disciplinary action for such protected activity, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied \_\_\_

16. Case 02-ULP-10-0652 Ohio Association of Public School Employees,  
AFSCME Local 4, AFL-CIO and Its Local 673 v.  
Southington Local School District Board of  
Education

In Case 02-ULP-10-0652 Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party and as untimely filed for events occurring on or before July 9, 2002. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied \_\_\_

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17. Case 02-ULP-10-0653 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 673 v. Southington Local School District Board of Education

In Case 02-ULP-10-0653 Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to an expedited hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) on or about August 29, 2002, and on or about September 9, 2002, during conversations between School Board Member Jerry Kovar and individual members of OAPSE's bargaining team, by approaching OAPSE bargaining-team members individually to discuss and exchange proposals, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
         Affirmed X                      Denied    

18. Case 02-ULP-10-0694 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 673 v. Southington Local School District Board of Education

In Case 02-ULP-10-0694 Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, consolidate the charge with Case 02-ULP-10-0653, authorize the issuance of a complaint, refer the matter to an expedited hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (5), and (8) by including in its final package proposal on September 18, 2002, that OAPSE must agree to withdraw all pending unfair labor practice charges and certain related grievances, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
         Affirmed X                      Denied

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19. Case 02-ULP-09-0603 Canton Police Patrolmen's Association v. City of Canton

In Case 02-ULP-09-0603 Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3), but not (A)(8), by disciplining Officer Diels in retaliation for exercising his guaranteed rights, and by failing to permit him representation during the August 13, 2002 meeting, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
         Affirmed X                              Denied    

20. Case 02-ULP-11-0744 Oji Spraggins v. Ohio, Secretary of State

In Case 02-ULP-11-0744 Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party and as untimely filed for the alleged March 2001 threat of discipline. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
         Affirmed X                              Denied    

21. Case 02-ULP-11-0745 Oji Spraggins v. Communications Workers of America, Local 4501

In Case 02-ULP-11-0745 Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(B)(6), but not (B)(2) and (3), by failing to timely process the Charging Party's grievance to arbitration, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
         Affirmed X                              Denied

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22. Case 02-ULP-10-0688 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 391 v. New Philadelphia City School District Board of Education

In Case 02-ULP-10-0688 Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5), but not (A)(2), by attempting to deal directly with bargaining-unit employees, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
         Affirmed X                      Denied   

23. Cases 02-ULP-09-0627 Ross Jenkins v. City of Sandusky  
         02-ULP-09-0628 Ross Jenkins v. Sandusky Firefighter's Union, Local 327, IAFF  
         02-ULP-09-0629 Ross Jenkins v. Sandusky Firefighter's Union, Local 327, IAFF and Brian Crandall

Board Member Verich moved that the Board dismiss the charges with prejudice in the above-cited cases for lack of probable cause to believe that unfair labor practices have been committed by the Charged Parties. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
         Affirmed X                      Denied   

24. Case 02-ULP-10-0715 Anshel Epstein v. Amalgamated Transit Union Local 268 and Amalgamated Transit Union International

In Case 02-ULP-10-0715 Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Parties and as untimely filed. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
         Affirmed X                      Denied

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25. Case 01-ULP-11-0686 Newark City School District Board of Education v. Newark Teachers Association, OEA/NEA

In Case 01-ULP-11-0686 Board Member Verich moved that the Board dismiss the charge with prejudice as having been resolved between the parties pursuant to the grievance-arbitration process. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied \_\_\_

26. Case 02-ULP-06-0398 Terry Prater v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 0280

27. Case 02-ULP-10-0683 James Allen v. Berea City School District Board of Education

Vice Chairman Gillmor moved that the Board construe the Charging Parties' letters as motions for reconsideration, and deny the motions for reconsideration in the above-cited cases with prejudice. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied \_\_\_

28. Case 02-ULP-11-0764 City of Seven Hills v. Ohio Council 8, American Federation of State, County and Municipal Employees, Local 3557, AFL-CIO

In Case 02-ULP-11-0764 Board Member Verich moved that the Board dismiss the charge with prejudice because of the Charging Party's failure to pursue the matter. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied \_\_\_

29. Case 02-ULP-12-0793 Clearview Education Association, OEA/NEA v. Clearview Local School District Board of Education

30. Case 02-ULP-10-0680 Southeast Ohio Emergency Medical Services District v. Steven T. Carver



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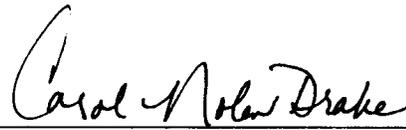
Vice Chairman Gillmor moved that the Board exit from executive session. Chairman Drake seconded the motion. Chairman Drake called for the roll-call vote.

Roll-Call Vote: DRAKE Aye      GILLMOR Aye      VERICH Absent  
Affirmed X                      Denied   

VIII. ADJOURNMENT

Vice Chairman Gillmor moved that the Board adjourn the meeting. Chairman Drake seconded the motion and called for the vote.

Roll-Call Vote: DRAKE Aye      GILLMOR Aye      VERICH Absent  
Affirmed X                      Denied   



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Carol Nolan Drake, Chairman

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

General Truck Drivers and Helpers Local Union No. 92,

Employee Organization,

and

City of Alliance,

Employer.

Case Numbers: 02-REP-06-0104 ✓  
02-REP-06-0106

**DIRECTION TO ELECTIONS PURSUANT TO CONSENT ELECTION AGREEMENT**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Pursuant to Ohio Revised Code § 4117.07(B) and Ohio Administrative Code Chapter 4117-5, the Board approves the Consent Election Agreement executed by the parties and directs that a representation elections be conducted in accordance with the terms of the consent agreement or *at a date, time and place to be determined by the Representation Division in consultation with the parties*

As required by Ohio Administrative Code Rule 4117-5-07(A), no later than February 9, 2003, the City of Alliance shall serve on General Truck Drivers and Helpers Local Union No. 92 and shall file with the Board a separate, numbered, alphabetized election eligibility list, for each cited case, containing the names and home addresses of all employees eligible to vote as of January 9, 2003.

The elections shall be held on February 25, 2003.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

Direction to Elections Pursuant to Consent Election Agreement  
Case Nos. 02-REP-06-0104 and 02-REP-06-0106  
January 30, 2003  
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I certify that this document was filed and a copy served upon the representative of each party by certified mail, return receipt requested, this 30<sup>th</sup> day of January, 2003.

  
SANDRA A. M. IVERSEN  
ADMINISTRATIVE ASSISTANT

DAM/jm/59b/01-30b/#4

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Municipal Construction Equipment Operators' Labor Council,

Employee Organization,

and

International Union of Operating Engineers, Local 18,

Employee Organization,

and

City of Cleveland,

Employer.

Case Number: 02-REP-06-0116

**CERTIFICATION OF ELECTION RESULTS AND OF EXCLUSIVE REPRESENTATIVE**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Pursuant to Ohio Revised Code § 4117.07(C), the Board conducted a secret ballot election on January 16, 2003, for employees of the City of Cleveland (Employer) in this appropriate unit:

**Included:** Employees in the civil service classifications of Master Mechanic, Construction Equipment Operator A and Construction Equipment Operator B, working in the Department of Public Utilities and in the Department of Public Service of the City of Cleveland, Ohio.

**Excluded:** All supervisors, management level, and confidential employees as defined in the Act.

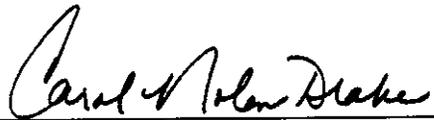
Certification of Election Results  
and of Exclusive Representative  
Case No. 02-REP-06-0116  
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The results of the election are: forty-six (46) ballots were cast; thirty-eight (38) votes were for the Municipal Construction Equipment Operators' Labor Council; seven (7) votes were for the International Union of Operating Engineers, Local 18; and zero (0) votes were for "No Representative." The one (1) challenged ballot was not sufficient to affect the results of the election.

The Municipal Construction Equipment Operators' Labor Council has received a majority of the ballots cast and is certified as the exclusive representative of all employees in the unit.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

You are hereby notified that an appeal may be perfected, pursuant to Ohio Revised Code § 119.12, by filing a notice of appeal with the Board at 65 East State Street, 12th Floor, Columbus, Ohio 43215-4213, and with the Franklin County Common Pleas Court within fifteen days after the mailing of the Board's directive.

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, this 4<sup>th</sup> day of FEBRUARY, 2003.

  
\_\_\_\_\_  
SANDRA A. M. IVERSEN  
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO,

Employee Organization,

and

Norwood City Schools Board of Education,

Employer.

Case Number: 02-REP-09-0187

**DIRECTION TO ELECTION PURSUANT TO CONSENT ELECTION AGREEMENT**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Pursuant to Ohio Revised Code § 4117.07(B) and Ohio Administrative Code Chapter 4117-5, the Board approves the Consent Election Agreement executed by the parties and directs that a representation election be conducted in accordance with the terms of the consent agreement or *at a date, time and place to be determined by the Representation Division in consultation with the parties.*

As required by Ohio Administrative Code Rule 4117-5-07(A), no later than February 9, 2003, the Norwood City Schools Board of Education shall serve on Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and shall file with the Board a numbered, alphabetized election eligibility list containing the names and home addresses of all employees eligible to vote as of January 10, 2003.

The election shall be held on February 19, 2003.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



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CAROL NOLAN DRAKE, CHAIRMAN

Direction to Election Pursuant to Consent Election Agreement  
Case No. 02-REP-09-0187  
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I certify that this document was filed and a copy served upon the representative of each party by certified mail, return receipt requested, this 30<sup>th</sup> day of January, 2003.

  
SANDRA A. M. IVERSEN  
ADMINISTRATIVE ASSISTANT

DAM/jm/59b/01-30b/#3

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of  
General Truck Drivers and Helpers Local Union No. 92,  
Rival Employee Organization,  
and  
Fraternal Order of Police, Ohio Labor Council, Inc.,  
Incumbent Employee Organization,  
and  
City of Alliance,  
Employer.

Case Number: 02-REP-10-0197

**DIRECTION TO ELECTION PURSUANT TO CONSENT ELECTION AGREEMENT**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Pursuant to Ohio Revised Code § 4117.07(B) and Ohio Administrative Code Chapter 4117-5, the Board approves the Consent Election Agreement executed by the parties and directs that a representation election be conducted in accordance with the terms of the consent agreement or *at a date, time and place to be determined by the Representation Division in consultation with the parties.*

As required by Ohio Administrative Code Rule 4117-5-07(A), no later than February 9, 2003, the City of Alliance shall serve on General Truck Drivers and Helpers Local Union No. 92 and the Fraternal Order of Police, Ohio Labor Council, Inc. and shall file with the Board a numbered, alphabetized election eligibility list containing the names and home addresses of all employees eligible to vote as of December 23, 2002.

The election shall be held on February 25, 2003.

Direction to Election Pursuant to Consent Election Agreement  
Case No. 02-REP-10-0197  
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It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon the representative of each party by certified mail, return receipt requested, this 30<sup>th</sup> day of January, 2003.

  
\_\_\_\_\_  
SANDRA A. M. IVERSEN  
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO,

Employee Organization,

and

Carlisle Local School District Board of Education,

Employer.

Case Number: 02-REP-10-0210

**DIRECTION TO ELECTION PURSUANT TO CONSENT ELECTION AGREEMENT**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Pursuant to Ohio Revised Code § 4117.07(B) and Ohio Administrative Code Chapter 4117-5, the Board approves the Consent Election Agreement executed by the parties and directs that a representation election be conducted in accordance with the terms of the consent agreement or *at a date, time and place to be determined by the Representation Division in consultation with the parties.*

As required by Ohio Administrative Code Rule 4117-5-07(A), no later than February 1, 2003, the Carlisle Local School District Board of Education shall serve on the Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and shall file with the Board a numbered, alphabetized election eligibility list containing the names and home addresses of all employees eligible to vote as of November 29, 2002.

The election shall be held on February 11, 2003.

It is so directed.

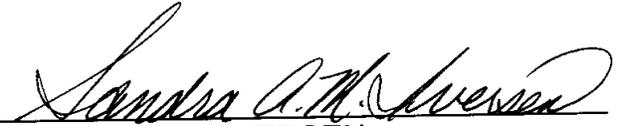
DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

Direction to Election Pursuant to Consent Election Agreement  
Case No. 02-REP-10-0210  
January 30, 2003  
Page 2

I certify that this document was filed and a copy served upon the representative of each party by certified mail, return receipt requested, this 30<sup>th</sup> day of January, 2003.

  
SANDRA A. M. IVERSEN  
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Jamie Hardin,

Petitioner,

and

Hotel Employees & Restaurant Employees Union, United Nursing Industry & Technical  
Employees Division, AFL-CIO,

Employee Organization,

and

Hardin County Commissioners (Hardin Hills Health Center),

Employer.

Case Number: 02-REP-10-0212

**REVOCATION OF CERTIFICATION AND  
DISMISSAL OF PETITION FOR DECERTIFICATION ELECTION**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

The Hotel Employees & Restaurant Employees Union, United Nursing Industry & Technical Employees Division, AFL-CIO (Employee Organization) is the Board-certified exclusive representative of employees of the Hardin County Commissioners (Employer) in this unit:

Included: All regular full-time and part-time employees in the following classifications: Nursing Assistant, Environment Aide, Activity Aide, Social Service Designee/Transportation/Activity, Laundry Worker, Cook, Dishwasher, Housekeeper, and Maintenance Worker.

Excluded: All Supervisory, Managerial, Confidential, Casual and Seasonal Employees and all other positions exempted by O.R.C. § 4117.01, including but not limited to all employees in the following classifications: Registered Nurse, Licensed Practical Nurse, Activity Director, Social Service Director, Laundry Supervisor, Housekeeping Supervisor, Dietary Supervisor, Maintenance Supervisor, Office Manager, Business Service Clerk, Director of Nursing, Assistant Director of Nursing, and Administrator.

Revocation of Certification and  
Dismissal of Petition for Decertification Election  
Case No. 02-REP-10-0212  
January 30, 2002  
Page 2

On October 17, 2002, Jamie Hardin (Petitioner) filed a Petition for Decertification Election seeking to displace the Hotel Employees & Restaurant Employees Union, United Nursing Industry & Technical Employees Division, AFL-CIO (Employee Organization) as the exclusive representative of those employees of the Hardin County Commissioners (Hardin Hills Health Center) Employer described above.

On January 16, 2003, the Employee Organization filed a letter seeking to withdraw its status as "designated bargaining representative" for the described bargaining unit and requesting cancellation of the decertification election. The parties contract expired January 19, 2003.

The Board construes the Employee Organization's letter as a motion to revoke its certification, grants the motion, and dismisses as moot the Petition for Decertification Election.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



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CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, this 30<sup>th</sup> day of January, 2003.



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SANDRA A. M. IVERSEN  
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of  
  
Ohio Patrolmen's Benevolent Association,  
  
Employee Organization,  
  
and  
  
City of Olmsted Falls,  
  
Employer.

Case Number: 02-REP-11-0234

**CERTIFICATION PURSUANT TO REQUEST FOR RECOGNITION**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

The Ohio Patrolmen's Benevolent Association (Employee Organization) filed a Request for Recognition seeking to become the exclusive representative of the following employees of the City of Olmsted Falls (Employer):

Included: All part-time employees holding the position of dispatcher/clerk.

Excluded: All other employees.

The request is supported by proper substantial evidence and the Employer has complied with the posting requirements set forth in Ohio Revised Code (O.R.C.) § 4117.05(A)(2)(a). There have been no objections or petitions filed as provided in O.R.C. § 4117.05(A)(2)(b)(i), (ii), (iii), or (iv). Therefore, the Board certifies the Employee Organization as the exclusive representative of all employees in the unit.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

Certification Pursuant to Request for Recognition  
Case No. 02-REP-11-0234  
January 30, 2003  
Page 2

You are hereby notified that an appeal may be perfected, pursuant to Ohio Revised Code § 119.12, by filing a notice of appeal with the Board at 65 East State Street, 12th Floor, Columbus, Ohio 43215-4213, and with the Franklin County Common Pleas Court within fifteen days after the mailing of the Board's directive.

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, this 4<sup>th</sup> day of FEBRUARY, 2003.

  
\_\_\_\_\_  
SANDRA A. M. IVERSEN  
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of  
  
Communications Workers of America, Local 4502,  
  
Employee Organization,  
  
and  
  
City of Columbus,  
  
Employer.

Case Number: 03-REP-01-0001

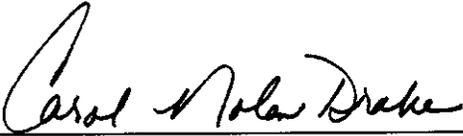
**AMENDMENT OF CERTIFICATION**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

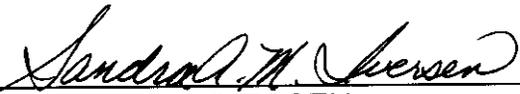
Communications Workers of America, Local 4502 (Employee Organization) is the Board-certified exclusive representative of certain employees of the City of Columbus (Employer). The Employee Organization and the Employer jointly filed a Petition for Amendment of Certification seeking to amend the certification to exclude the Parks Planning and Maintenance Coordinator from the existing unit. The Board approves the petition and amends the unit, which is now described as it appears on the five (5) pages attached to this directive, which are incorporated by reference.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, this 4<sup>th</sup> day of FEBRUARY, 2003.

  
\_\_\_\_\_  
SANDRA A. M. IVERSEN  
ADMINISTRATIVE ASSISTANT

Included:

**(D) Overtime eligible classifications**

<u>Class Code</u>	<u>Class Title</u>	<u>Range No.</u>
1235	Accountant II	25 to 28
0779	Administrative Analyst I	24 to 29
0774	Administrative Assistant*	23 to 26
0773	Administrative Secretary*	23 to 26
0820	Administrative Secretary (U)*	18 to 28
3763	Arborist	26 to 29
0579	Analyst Programmer I	23 to 28
3457	Automotive Mechanic Supervisor II	26 to 28
3495	Building Maintenance Supervisor I	23 to 26
3496	Building Maintenance Supervisor II	25 to 30
0497	Commission Secretary (U)	19 to 21
3897	Composting Facility Supervisor	26
3532	Custodial Training Instructor	22 to 24
0436	Customer Relations Supervisor	21 to 24
3641	Data Communication Specialist II	30 to 34
3306	Electricity Consumer Service Supervisor	23 to 25
3669	Electronic System Technician Supervisor	27 to 30
1028	Engineer-in-Training I	29 to 30
3697	Gardener Supervisor	23 to 26
3187	Golf Assistant Professional	19 to 21
0544	Help Desk Representative	27 to 31
1538	Horticultural Specialist I	20 to 23
1539	Horticultural Specialist II	23 to 26
0910	Human Resources Assistant	17 to 21
0854	Human Resources Representative*	24 to 29
0661	Income Tax Auditor Supervisor	29 to 32
1993	Legal Administrative Assistant (U)	16 to 25
1991	Legal Advocate (U)	23 to 30
1990	Legal Intake Counselor (U)	8 to 16
1994	Legal Investigator I (U)	16 to 22
1995	Legal Investigator II (U)	23 to 25
0517	Legal Secretary (U)	18 to 30
0519	Legal Secretary II*	18 to 26
1240	Office Manager*	25 to 27
3023	Parking Regulation Attendant Supervisor	22 to 28
3773	Parks Maintenance Supervisor II	23 to 25
0900	Personnel Analyst I	25 to 29

1291	Payroll Clerk II	18 to 22
3815	Plant Maintenance Supervisor II	29 to 31
3018	Police Artist	22 to 24
0446	Police Records Technician Supervisor	18 to 28
0580	Programmer Analyst	27 to 31
0784	Purchasing Coordinator	24 to 29
3196	Recreation Program Specialist	23 to 25
3929	Refuse Container Assembler and Repairer	15 to 21
1718	Safety Program Manager	25 to 28
0477	Secretary	17 to 19
3539	Security Specialist Supervisor	23 to 26
3969	Sewer Maintenance Supervisor II	26 to 28
3314	Sewer Service Supervisor (Emergency)	25 to 27
3974	Sewer Telemonitoring Supervisor	24 to 26
3989	Street Cleaning and Maintenance Supervisor	23 to 25
4026	Traffic Line Supervisor I	30
4010	Traffic Sign Shop Supervisor	29
0729	Utility Consumer Transactions Coordinator	27 to 29
3876	Wastewater Plant Supervisor II	29 to 31
1862	Wastewater Surveillance Analyst	23 to 25
1861	Wastewater Surveillance Technician II	22
4052	Water Maintenance Manager	28 to 29
4041	Water Maintenance Supervisor II	26 to 28
3882	Water Plant Operator II	29 to 31
3278	Water Service Supervisor	29 to 30
1871	Water Protection Specialist 1	27 to 28
1872	Water Protection Specialist 11	29 to 30
0569	Word Processing Equipment Operator	15 to 18
0570	Word Processing Specialist*	18 to 24
<b>(E)</b>	<b>Overtime exempt classifications</b>	
<u>Class Code</u>	<u>Class Title</u>	<u>Range No.</u>
1236	Accountant 111	28 to 30
0780	Administrative Analyst II*	30 to 34
0821	Administrative Secretary II (U)	29 to 34
0870	Aging Programs Care Coordinator	25 to 30 (FT only) 25 to 34 (PT only)
0875	Aging Programs Specialist I	30 to 32
0876	Aging Programs Specialist II	32 to 34
0874	Aging Programs Manager	34 to 36
1215	Architect	32 to 37
1769	Building Inspector II	33 to 34
3497	Building Maintenance Manager	28 to 32
1116	Building Plan Examiner II	34 to 38
2016	Building Services Specialist	25 to 30
1117	Building Plans Examination Supervisor	38 to 40
2000	Business Development Specialist	27 to 32

1252	Business Manager*	31 to 33
0269	Cable Broadcast Manager	32 to 35
3558	Cable Worker Supervisor II	31 to 35
1530	City Forester	30 to 33
0796	Community Relations Coordinator	31 to 34
0541	Computer Operations Supervisor	30 to 32
1024	Construction Material Analysis Coordinator	34 to 36
0437	Customer Relations Manager	25 to 30
3641	Data Communication Specialist II	30 to 34
0572	Database Administrator	34 to 37
2084	Development Land Use Specialist	36 to 38
2012	Development Planning Manager	33 to 36
2015	Development Program Coordinator	37 to 38
0350	Development Program Manager	34 to 36
2028	Development Research Coordinator	32 to 34
2027	Development Project Coordinator (Urban Renewal)	32 to 34
2017	Economic Development Program Supervisor	30 to 33
1783	Electrical Inspector II	29 to 31
3581	Electricity Distribution Assistant Manager	32 to 36
3582	Electricity Distribution Manager	34 to 37
3619	Electric Metering Supervisor II	30 to 32
3671	Electronic System Coordinator	32 to 35
3670	Electronic System Specialist	30 to 34
0756	Energy Programs Coordinator	34 to 36
1046	Engineer I	31 to 34
1047	Engineer II	33 to 36
1048	Engineer III	35 to 38
1049	Engineer IV	37 to 39
1029	Engineer-In-Training II	30 to 31
1104	Engineering Associate III	30 to 31
0799	Equal Opportunity Specialist*	30 to 34
0800	Equal Opportunity Officer	29 to 30
3498	Facilities Project Manager	32 to 36
3454	Fleet Coordinator	29 to 31
0845	Fleet Assistant Manager	30 to 31
0549	GIS Analyst	32 to 36
3189	Golf Professional	22 to 28
3191	Golf Program Manager	29 to 33
3714	Golf Courses Maintenance Manager	30 to 33
2029	Graphics Designer	30
0762	Historic Preservation Officer	32 to 34
1540	Horticulturist	29 to 31
2049	Housing Rehabilitation Programs Coordinator	30 to 34
0855	Human Resources Generalist	30 to 34
0662	Income Tax Auditor Specialist	30 to 34
1847	Industrial Hygienist	30 to 36
0548	Information Systems Analyst	30 to 32

0869	Information Systems Manager	31 to 37
0603	Information Technology Account Manager	31 to 37
1335	Inventory Control and Property Manager	25 to 30
0751	Keep Columbus Beautiful Coordinator	27 to 31
3010	Latent Print Examiner	30 to 32
3011	Latent Print Supervisor	33 to 34
1999	Legal Administrative Coordinator (U)	31 to 32
1998	Legal Investigator/Paralegal (U)	23 to 30
1996	Legal Investigator III (U)*	26 to 34
1893	License Supervisor	30 to 32
0083	Natural Resources Manager	33 to 36
1201	Parks Development Planner	28 to 30
3778	Parks Maintenance Manager	28 to 30
1203	Parks Planning and Design Manager	34 to 37
0901	Personnel Analyst II	30 to 32
1945	Photography Laboratory Manager	30 to 32
2011	Planner 11	30 to 33
3817	Plant Maintenance Assistant Manager	32 to 34
3816	Plant Maintenance Manager	30 to 35
1162	Plant Operation and Maintenance Training Coordinator	30 to 32
1776	Plumbing Inspector II	29 to 31
3016	Polygraphist	30 to 32
3569	Power Line Worker Supervisor II	31 to 35
1932	Pretreatment Program Manager	34 to 35
3104	Public Information Assistant*	29 to 31
3105	Public Information Officer*	32 to 36
1997	Real Estate Specialist (U)	33 to 35
3166	Recreation Administrative Coordinator	33 to 39
3165	Recreation Administrative Manager	30 to 33
0786	Recreation and Parks Marketing/ Fund-raising Coordinator	33 to 35
3164	Recreation Center Manager	29 to 32
3163	Recreation Supervisor	26 to 30
1816	Refrigeration and HVAC Inspector II	29 to 31
3931	Refuse Collection District Assistant Manager	30 to 32
3933	Refuse Collection District Manager	33 to 35
2036	Relocation Program Manager	33 to 36
2083	Research Analyst Specialist	29 to 31
1721	Safety Programs Coordinator	34 to 36
0287	Sealer of Weights and Measures	31 to 34
0581	Senior Programmer Analyst	32 to 36
3970	Sewer Maintenance Assistant Manager	29 to 31
3971	Sewer Maintenance Manager	32 to 34
3991	Street Maintenance Assistant Manager	29 to 31
3990	Street Maintenance Manager	31 to 35
1135	Street Light Engineering Coordinator	31 to 33
1016	Surveyor	31 to 34

4029	Traffic Line Supervisor II	32
4028	Traffic Maintenance Assistant Manager	33 to 35
4032	Traffic Maintenance Manager	34 to 36
4019	Traffic Maintenance Supervisor II	28 to 30
1929	Wastewater Chemist II	30 to 32
1930	Wastewater Chemist III	33 to 35
1158	Wastewater Plant Assistant Manager	32 to 34
1159	Wastewater Plant Manager	34 to 36
1160	Wastewater Plants Coordinator	36 to 38
1157	Wastewater Treatment Residuals Manager	32 to 34
0864	Water Customer Services Assistant Coordinator	31 to 33
0865	Water Customer Services Coordinator	34 to 36
4046	Water Distribution Assistant Manager	29 to 31
4047	Water Distribution Manager	32 to 34
3865	Water Distribution Operator II	30 to 31
1170	Water Plant Manager	34 to 36
1169	Water Plant Operations Manager	32 to 34
1873	Water Protection Coordinator	32 to 34
1935	Water Research Analyst I	27 to 30
1936	Water Research Analyst II	31 to 33
1937	Water Research Laboratory Manager	34 to 36
3280	Water Service Manager	31 to 33
1165	Water Supply and Treatment Coordinator	36 to 38
1173	Watershed Manager	34 to 36

\*An asterisk indicates job classifications in which certain individuals, because of the position they hold within a classification, are excluded by name from the bargaining unit. A list of such excluded individuals/positions was agreed to by the parties in connection with SERB Case No. 93-REP-07-0139. Such list shall be updated by the City from time-to-time as changes in personnel and/or job functions are made. Any disputes regarding proposed revisions to this list shall be resolved in accordance with the dispute resolution procedure outline in Section 2.3(c) of this Contract. SERB Case No. 03-REP-01-0001 excludes Class #1204, Parks Planning and Maintenance Coordinator, Pay Range 37 to 39.

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

State Employment Relations Board,

Complainant,

v.

City of Hamilton,

Respondent.

**Case No. 2000-ULP-12-0751**

**DIRECTIVE GRANTING MOTIONS TO WITHDRAW AND DISMISS**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

On December 26, 2000, the International Union of Operating Engineers, Local 20 ("Charging Party") filed an unfair labor practice charge against the City of Hamilton ("Respondent"). On March 20, 2001, the State Employment Relations Board ("Board" or "Complainant") found probable cause was not present to believe that the Respondent had committed an unfair labor practice and dismissed the unfair labor practice charge. On June 28, 2001, the Charging Party filed a motion for reconsideration of the Board's dismissal of the unfair labor practice charge. On July 3, 2001, the Respondent filed a memorandum in opposition to the motion. On July 19, 2001, the Board granted the motion for reconsideration and remanded the charge to the Investigations Division for further review. On November 7, 2002, the Board determined that probable cause existed for believing the Respondent had committed or was committing unfair labor practices, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to the unfair labor practice mediation process.

On January 15, 2003, the parties filed a settlement agreement that resolved the underlying issues. In the settlement, the parties jointly requested that the Board construe the settlement agreement as a motion by the Charging Party to withdraw the unfair labor practice charge and as a motion by the Complainant to dismiss the complaint.

The settlement agreement is construed as motions to withdraw and dismiss, the motions are granted, the complaint is dismissed, and the unfair labor practice charge is dismissed with prejudice.

It is so ordered.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



CAROL NOLAN DRAKE, CHAIRMAN

I certify that a copy of this document was served upon each party's representative by regular U.S. Mail this 4<sup>th</sup> day of February, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

State Employment Relations Board,

Complainant,

v.

Hopewell-Loudon Local School District Board of Education,

Respondent.

**Case Nos. 2002-ULP-05-0367 & 2002-ULP-05-0368**

**DIRECTIVE GRANTING MOTIONS TO WITHDRAW AND DISMISS**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

On May 29, 2002, the Hopewell-Loudon Education Association, OEA/NEA ("Charging Party") filed two unfair labor practice charges against the Hopewell-Loudon Local School District Board of Education ("Respondent"). On October 10, 2002, the State Employment Relations Board ("Board" or "Complainant") found probable cause to believe a violation had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to the unfair labor practice mediation process.

On January 2, 2003, the parties filed a settlement agreement that resolved the underlying issues. In the settlement, the parties requested that the Board construe the settlement agreement as a motion by the Charging Party to withdraw the unfair labor practice charges with prejudice. On January 6, 2003, the Complainant filed a motion to dismiss the complaint.

The settlement agreement is construed as a motion to withdraw, the motions to withdraw and dismiss are granted, the complaint is dismissed, and the unfair labor practice charges are dismissed with prejudice.

It is so ordered.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

I certify that a copy of this document was served upon each party's representative by regular U.S. Mail this 4<sup>th</sup> day of February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

State Employment Relations Board,

Complainant,

v.

Ohio Association of Public School Employees, AFSCME Local 233, AFL-CIO  
and Barbra Phillips,

Respondents.

**Case No. 2002-ULP-06-0426**

**DIRECTIVE GRANTING MOTION TO DISMISS**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

On June 14, 2002, the Ashland City School District Board of Education ("Charging Party") filed an unfair labor practice charge against the Ohio Association of Public School Employees, AFSCME Local 233, AFL-CIO and Barbra Phillips (collectively "Respondents"). On June 25, 2002, the State Employment Relations Board ("Board" or "Complainant") found probable cause to believe a violation had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to the unfair labor practice mediation process.

On January 8, 2003, the parties filed a settlement agreement that resolved the underlying issues. In the settlement, the parties requested that the Board construe the settlement agreement as a motion by the Complainant to dismiss the complaint.

The settlement agreement is construed as a motion to dismiss, the motion is granted, the complaint is dismissed, and the unfair labor practice charge is dismissed with prejudice.

It is so ordered.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

I certify that a copy of this document was served upon each party's representative by regular U.S. Mail this 4<sup>th</sup> day of February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

State Employment Relations Board,

Complainant,

v.

Ashland City School District Board of Education,

Respondent.

**Case No. 2002-ULP-06-0451**

**DIRECTIVE GRANTING MOTION TO DISMISS**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

On June 25, 2002, the Ohio Association of Public School Employees, AFSCME Local 233, AFL-CIO ("Charging Party") filed an unfair labor practice charge against the Ashland City School District Board of Education ("Respondent"). On June 25, 2002, the State Employment Relations Board ("Board" or "Complainant") found probable cause to believe a violation had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to the unfair labor practice mediation process.

On January 8, 2003, the parties filed a settlement agreement that resolved the underlying issues. In the settlement, the parties requested that the Board construe the settlement agreement as a motion by the Complainant to dismiss the complaint.

The settlement agreement is construed as a motion to dismiss, the motion is granted, the complaint is dismissed, and the unfair labor practice charge is dismissed with prejudice.

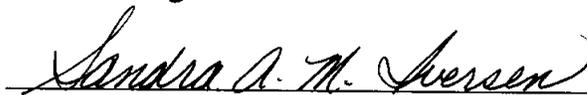
It is so ordered.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



CAROL NOLAN DRAKE, CHAIRMAN

I certify that a copy of this document was served upon each party's representative by regular U.S. Mail this 4<sup>th</sup> day of February, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

State Employment Relations Board,

Complainant,

v.

Riverside Local School District Board of Education and Superintendent John Scheu,

Respondents.

**Case No. 2002-ULP-07-0483**

**DIRECTIVE GRANTING MOTIONS TO WITHDRAW AND DISMISS**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

On July 12, 2002, the United Riverside Education Association, OEA/NEA ("Charging Party") filed an unfair labor practice charge against the Riverside Local School District Board of Education and Superintendent John Scheu (collectively "Respondents"). On October 24, 2002, the State Employment Relations Board ("Board" or "Complainant") found probable cause to believe a violation had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to the unfair labor practice mediation process.

On January 22, 2003, the parties filed a settlement agreement that resolved the underlying issues. In the settlement, the parties requested that the Board construe the settlement agreement as a motion by the Charging Party to withdraw the unfair labor practice charge with prejudice and as a motion by the Complainant to dismiss the complaint.

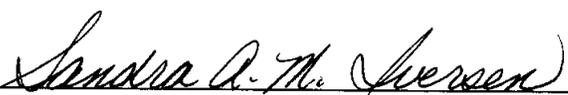
The settlement agreement is construed as motions to withdraw and dismiss, the motions are granted, the complaint is dismissed, and the unfair labor practice charge is dismissed with prejudice.

It is so ordered.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

I certify that a copy of this document was served upon each party's representative by regular U.S. Mail this 7<sup>th</sup> day of February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Jackson-Milton Educators' Association, OFT/AFT,

Charging Party,

v.

Jackson-Milton Local School District Board of Education,

Charged Party.

**Case No. 2002-ULP-08-0535**

**DIRECTIVE GRANTING MOTION TO DISMISS**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

On August 8, 2002, the Jackson-Milton Educators' Association, OFT/AFT ("Charging Party") filed an unfair labor practice charge against the Jackson-Milton Local School District Board of Education ("Charged Party"). On December 12, 2002, the State Employment Relations Board ("Board") found probable cause to believe a violation had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to the unfair labor practice mediation process.

On January 13, 2003, the parties entered into a settlement agreement. In the settlement, the parties requested that the Board treat the settlement agreement as a motion by the Charging Party to dismiss the unfair labor practice charge.

The settlement agreement is approved and adopted, the settlement agreement is construed as a motion to dismiss, the motion is granted, and the unfair labor practice charge is dismissed with prejudice.

It is so ordered.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

I certify that a copy of this document was served upon each party's representative by regular U.S. Mail this 4<sup>th</sup> day of February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Fraternal Order of Police, Ohio Labor Council, Inc.,

Charging Party,

v.

Hamilton County Sheriff,

Charged Party.

**Case No. 2002-ULP-08-0570**

**DIRECTIVE GRANTING MOTIONS TO WITHDRAW AND DISMISS**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

On August 23, 2002, the Fraternal Order of Police, Ohio Labor Council, Inc. ("Charging Party") filed an unfair labor practice charge against the Hamilton County Sheriff ("Charged Party"). On November 26, 2002, the State Employment Relations Board ("Board") found probable cause to believe a violation had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to the unfair labor practice mediation process.

On January 21, 2003, the parties entered into a settlement agreement. In the settlement, the parties requested that the Board treat the agreement as a joint motion to dismiss the unfair labor practice charge. On January 22, 2003, the Charging Party filed a motion to withdraw the unfair labor practice charge.

The settlement agreement is approved and adopted, the settlement agreement is construed as a motion to dismiss, the motions to withdraw and dismiss are granted, and the unfair labor practice charge is dismissed with prejudice.

It is so ordered.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



CAROL NOLAN DRAKE, CHAIRMAN

I certify that a copy of this document was served upon each party's representative by regular U.S. Mail this 4<sup>th</sup> day of February, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Norwalk Fire Fighters, Local 1199, IAFF,

Charging Party,

v.

City of Norwalk,

Charged Party.

Case Number: 02-ULP-10-0696

DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

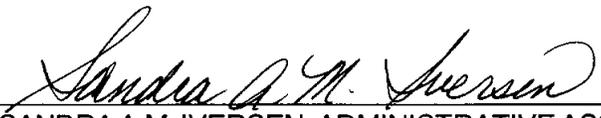
The Norwalk Fire Fighters, Local 1199, IAFF has filed a letter requesting withdrawal of the referenced unfair labor practice charge. The Board construes the letter as a motion to withdraw and grants the motion with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party by regular U.S. mail, this 10th day of February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO,

Charging Party,

v.

Summit Academy and Summit Academy Management, Inc.,

Charged Parties.

Case Numbers: 02-ULP-12-0801 ✓  
02-ULP-12-0802  
02-ULP-12-0803  
02-ULP-12-0804  
02-ULP-12-0805

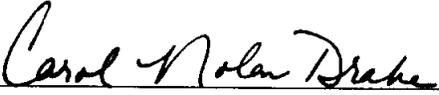
DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

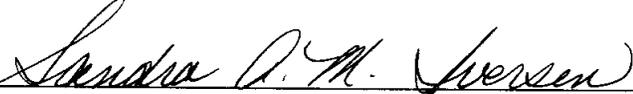
The Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO filed a motion to withdraw the referenced unfair labor practice charges. The Board grants the motion with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party by regular U.S. mail, this 10th day of February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Southeast Ohio Emergency Medical Services District,

Charging Party,

v.

Steven T. Carver,

Charged Party.

Case Number: 02-ULP-10-0680

DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

The Southeast Ohio Emergency Medical Services District has filed a letter requesting withdrawal of the referenced unfair labor practice charge. The Board construes the letter as a motion to withdraw and grants the motion with prejudice.

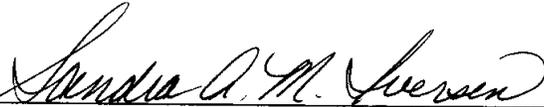
It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party by regular U.S. mail, this 10th day of February, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Clearview Education Association, OEA/NEA,

Charging Party,

v.

Clearview Local School District Board of Education,

Charged Party.

Case Number: 02-ULP-12-0793

DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

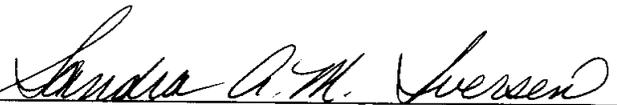
The Clearview Education Association, OEA/NEA filed a motion to withdraw the referenced unfair labor practice charge. The Board grants the motion with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party by regular U.S. mail, this 10th day of February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Oji Spraggins,

Charging Party,

v.

Communications Workers of America, Local 4501,

Charged Party.

Case Number: 02-ULP-11-0745

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

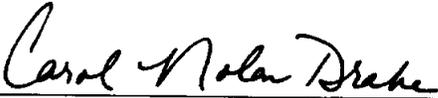
Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals that probable cause exists for believing a violation occurred. The Board authorizes the issuance of a complaint and directs that a hearing be held to determine whether the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to timely process the Charging Party's grievance to arbitration. The Board dismisses the Ohio Revised Code § 4117.11(B)(2) and (3) allegations for lack of probable cause.

A complaint will be forthcoming. The hearing will be conducted within 30 to 40 days from issuance of the complaint. Pursuant to Ohio Revised Code § 4117.12(B), if a party seeks to exercise its right to have the hearing conducted within 10 days of the issuance of the complaint, the party or its representative must give written notification to the Executive Director's office within 10 days of receipt of this directive. The administrative law judge reserves the right to reschedule the hearing beyond this time for good cause shown pursuant to the Board's rules.

The Board directs the parties to the unfair labor practice mediation process prior to the prehearing in this matter. A Board mediator will immediately contact the parties. All parties needed to resolve this matter shall be present at the mediation.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
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CAROL NOLAN DRAKE, CHAIRMAN

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Case No. 02-ULP-11-0745

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of

February, 2003.

  
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SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

0059c.bo/020745:13003:21

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Oji Spraggins,

Charging Party,

v.

Ohio Secretary of State,

Charged Party.

Case Number: 02-ULP-11-0744

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Oji Spraggins (Charging Party) filed an unfair labor practice charge against the Ohio Secretary of State (Charged Party) on November 13, 2002. The charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), (4), (6), and (8) by interfering with the Charging Party's exercise of guaranteed rights.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charged Party was not responsible for withdrawing the Charging Party's grievance. Additionally, the knowledge of the alleged violation regarding the March 2001 threat of discipline occurred more than 90 days before the charge was filed with the Board. No mitigating circumstances exist that warrant equitable tolling of the statute of limitations. Accordingly, the charge is dismissed with prejudice for lack of probable cause to believe the statute has been violated and as untimely filed.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
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CAROL NOLAN DRAKE, CHAIRMAN

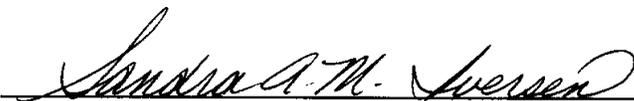
DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-11-0744

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of February, 2003.

  
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SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of  
Eddie Washington,  
Charging Party,

v.

International Union of North America Municipal, County and State Employees' Local 1099,  
Charged Party.

Case Numbers: 02-ULP-11-0728 ✓  
02-ULP-12-0815

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGES

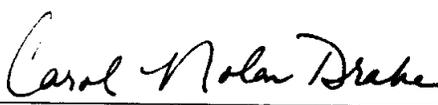
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Eddie Washington (Charging Party) filed unfair labor practice charges against the International Union of North America Municipal, County and State Employees' Local 1099 (Charged Party). The charges allege the Charged Party violated Ohio Revised Code § 4117.11(B)(1), (2), (3), (4), (5), (6), and (7) by failing to fairly represent the Charging Party.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of these charges. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charged Party represented the Charging Party fairly. Based on the overwhelming evidence, the Charged Party unsuccessfully attempted to negotiate a last chance agreement and did not advance the grievance to arbitration because it lacked merit. Additionally, in Case 02-ULP-12-0815, the charge is an exact duplicate filing of Case 02-ULP-11-0728. Accordingly, in Case 02-ULP-11-0728, the Board dismisses the charge with prejudice for lack of probable cause, and in Case 02-ULP-12-0815, the Board dismisses the charge with prejudice as being a duplicate filing.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGES

Case Nos. 02-ULP-11-0728  
02-ULP-12-0815

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of

February, 2003.

  
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SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

0059b.bo/0207280815:13003:14

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of  
Anshel Epstein,  
Charging Party,

v.

Amalgamated Transit Union Local 268 and Amalgamated Transit Union International,  
Charged Parties.

Case Number: 02-ULP-10-0715

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Anshel Epstein (Charging Party) filed an unfair labor practice charge against the Amalgamated Transit Union Local 268 and Amalgamated Transit Union International (Charged Parties) on October 31, 2002. The charge alleged the Charged Parties violated Ohio Revised Code § 4117.11(B)(1) and (2) by not allowing the Charging Party's grievance to be placed before the union membership for a vote on whether the grievance should go to arbitration.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Parties have violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charging Party's grievance was not advanced because it was determined to lack merit. The Charged Parties' constitution was followed, and their actions were not arbitrary, discriminatory, or in bad faith. The Charging Party failed to show an Ohio Revised Code § 4117.11(B)(2) violation occurred. Additionally, knowledge of the alleged violation occurred more than 90 days before the charge was filed with the Board. No mitigating circumstances exist that warrant equitable tolling of the statute of limitations. Accordingly, the charge is dismissed with prejudice for lack of probable cause to believe the statute has been violated and as untimely filed.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
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CAROL NOLAN DRAKE, CHAIRMAN

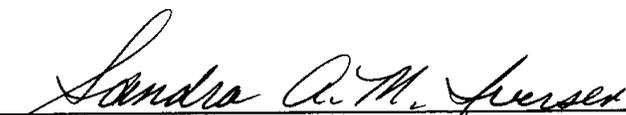
DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-10-0715

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of  
Eddie Washington,  
Charging Party,  
v.  
City of Cleveland,  
Charged Party.

Case Number: 02-ULP-10-0707

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

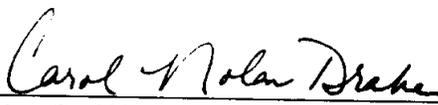
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Eddie Washington (Charging Party) filed an unfair labor practice charge against the City of Cleveland (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), (4), (7), and (8) by suspending and then terminating the Charging Party in violation of the contract, and by not timely processing his grievance.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charging Party was not engaged in any protected activity and failed to support his allegations. The Charging Party's grievance was delayed by mutual agreement. Accordingly, the charge is dismissed with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

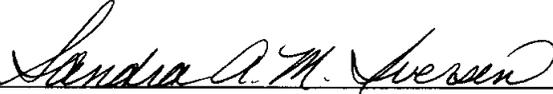
DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-10-0707

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

0059b.bo/020707:13003:14

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Kevin J. Stewart,

Charging Party,

v.

Ohio Council 8, American Federation of State, County and  
Municipal Employees, Local 190, AFL-CIO,

Charged Party.

Case Number: 02-ULP-10-0706

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

On October 29, 2002, Kevin J. Stewart filed an unfair labor practice charge against Ohio Council 8, American Federation of State, County and Municipal Employees, Local 190, AFL-CIO. The events giving rise to the charge occurred more than 90 days before the filing of the charge with the Board. No mitigating circumstances exist that warrant equitable tolling of the statute of limitations. Pursuant to Ohio Revised Code § 4117.12 and Ohio Administrative Code Rule 4117-7-01(A), the charge is dismissed with prejudice as untimely filed.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10th day of February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Kevin J. Stewart,

Charging Party,

v.

City of Cincinnati,

Charged Party.

Case Number: 02-ULP-10-0705

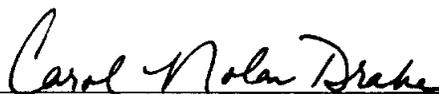
DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

On October 29, 2002, Kevin J. Stewart filed an unfair labor practice charge against the City of Cincinnati. The events giving rise to the charge occurred more than 90 days before the filing of the charge with the Board. No mitigating circumstances exist that warrant equitable tolling of the statute of limitations. Pursuant to Ohio Revised Code § 4117.12 and Ohio Administrative Code Rule 4117-7-01(A), the charge is dismissed with prejudice as untimely filed.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10th day of

February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of  
Theophilus Hudson,  
Charging Party,

v.

City of Cleveland,  
Charged Party.

Case Number: 02-ULP-10-0702

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

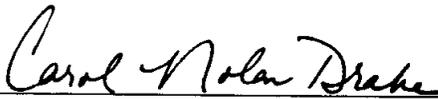
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Theophilus Hudson (Charging Party) filed an unfair labor practice charge against the City of Cleveland (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (6) by failing to timely process the Charging Party's grievances.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charging Party did not follow the contracted grievance procedure, which does not substantiate that the Charged Party violated the grievance. Accordingly, the charge is dismissed with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
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CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-10-0702

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10th day of

February, 2003.

  
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SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 673,

Charging Parties,

v.

Southington Local School District Board of Education,

Charged Party.

Case Number: 02-ULP-10-0694

FINDING OF PROBABLE CAUSE AND DIRECTION TO EXPEDITED HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals probable cause exists for believing that a violation occurred. The Board consolidates the charge with Case 02-ULP-10-0653, authorizes the issuance of a complaint, and directs that a hearing be held to determine whether the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (5), and (8) by including in its final package proposal on September 18, 2002, that the Charging Parties must agree to withdraw all pending unfair labor practice charges and certain related grievances. Additionally, pursuant to Ohio Revised Code § 4117.15(B), the Board directs that the hearing in this matter be expedited.

A complaint will be forthcoming. The hearing will be conducted within ten days of the issuance of the complaint. The administrative law judge reserves the right to reschedule the hearing beyond this time with approval by the Executive Director and for good cause shown pursuant to the Board's rules.

The Board directs the parties to the unfair labor practice mediation process prior to the prehearing in this matter. A Board mediator will immediately contact the parties. All parties needed to resolve this matter shall be present at the mediation.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



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CAROL NOLAN DRAKE, CHAIRMAN

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

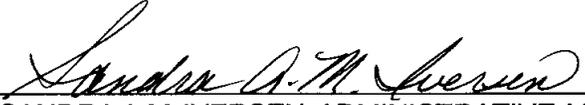
Case No. 02-ULP-10-0694

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of

February, 2003.

  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 391,

Charging Parties,

v.

New Philadelphia City School District Board of Education,

Charged Party.

Case Number: 02-ULP-10-0688

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals that probable cause exists for believing a violation occurred. The Board authorizes the issuance of a complaint and directs that a hearing be held to determine whether the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by attempting to deal directly with bargaining-unit employees. The Board dismisses the Ohio Revised Code § 4117.11(A)(2) allegation for lack of probable cause.

A complaint will be forthcoming. The hearing will be conducted within 30 to 40 days from issuance of the complaint. Pursuant to Ohio Revised Code § 4117.12(B), if a party seeks to exercise its right to have the hearing conducted within 10 days of the issuance of the complaint, the party or its representative must give written notification to the Executive Director's office within 10 days of receipt of this directive. The administrative law judge reserves the right to reschedule the hearing beyond this time for good cause shown pursuant to the Board's rules.

The Board directs the parties to the unfair labor practice mediation process prior to the prehearing in this matter. A Board mediator will immediately contact the parties. All parties needed to resolve this matter shall be present at the mediation.

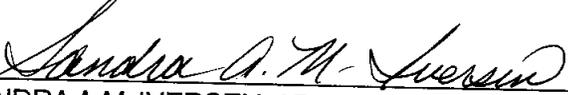
It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
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CAROL NOLAN DRAKE, CHAIRMAN

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING  
Case No. 02-ULP-10-0688  
January 30, 2003  
Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10th day of February, 2003.

  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

0059c.bo/020688:13003:22

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of  
City of Seven Hills,  
Charging Party,

v.

Ohio Council 8, American Federation of State, County and  
Municipal Employees, Local 3557, AFL-CIO,

Charged Party.

Case Number: 02-ULP-11-0764

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30,  
2003.

The City of Seven Hills (Charging Party) filed an unfair labor practice charge against Ohio Council 8, American Federation of State, County and Municipal Employees, Local 3557, AFL-CIO (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11.

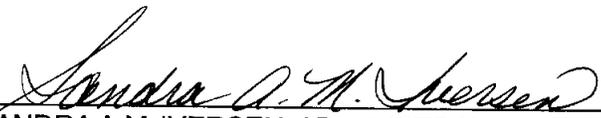
Pursuant to the Board's investigation under Ohio Revised Code § 4117.12, information was requested from the Charging Party. The Charging Party did not respond to the request for information. Accordingly, the charge is dismissed with prejudice for failure of the Charging Party to pursue the matter.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party on this 10th  
day of February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of  
Newark City School District Board of Education,  
Charging Party,  
v.  
Newark Teachers Association, OEA/NEA,  
Charged Party.

Case Number: 01-ULP-11-0686

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

On November 16, 2001, the Newark City School District Board of Education filed an unfair labor practice charge against the Newark Teachers Association, OEA/NEA. On April 11, 2002, the above-referenced charge was deferred to arbitration pursuant to In re Upper Arlington Ed Assn, SERB 92-010 (6-30-92). The arbitrator's decision was rendered on November 26, 2002. Neither party filed a motion for review. Accordingly, the charge is dismissed with prejudice as having been resolved between the parties pursuant to the grievance-arbitration process.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
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CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 16<sup>th</sup> day of

February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

James Allen,

Charging Party,

v.

Berea City School District Board of Education,

Charged Party.

Case Number: 02-ULP-10-0683

DENIAL OF MOTION FOR RECONSIDERATION

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

On December 12, 2002, the Board dismissed the referenced unfair labor practice charge for lack of probable cause. The charge alleged that the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (4), and (6) by refusing to follow the terms of the contract and Title 33 of the Ohio Revised Code, failing to timely process the Charging Party's grievances, and issuing him unequal discipline.

On December 26, 2002, the Charging Party filed a request for reconsideration of the Board's decision. A review of the original investigation reveals that the Charging Party has failed to raise issues warranting reversal of the dismissal. Accordingly, the Board construes the Charging Party's request for reconsideration as a motion for reconsideration and denies the motion with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



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CAROL NOLAN DRAKE, CHAIRMAN

DENIAL OF MOTION FOR RECONSIDERATION  
Case No. 02-ULP-10-0683  
January 30, 2003  
Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

reconsdr:020683:13003:27

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Avon Lake Fire Fighters, Local 1361,

Charging Party,

v.

City of Avon Lake,

Charged Party.

Case Number: 02-ULP-10-0674

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

The Avon Lake Fire Fighters, Local 1361 (Charging Party) filed an unfair labor practice charge against the City of Avon Lake (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally assigning a bargaining-unit employee to a temporary work week.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals a temporary change is not a violation of the statute, and the change was never implemented. Accordingly, the charge is dismissed with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

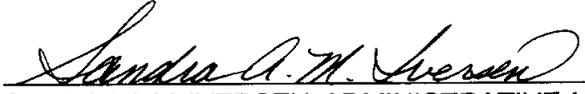
Case No. 02-ULP-10-0674

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10th day of

February, 2003.

  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Patrolmen's Benevolent Association,

Charging Party,

v.

City of Warren,

Charged Party.

Case Number: 02-ULP-10-0662

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals that probable cause exists for believing a violation occurred. The Board authorizes the issuance of a complaint and directs that a hearing be held to determine whether the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally requiring a physician's certificate for sick leave.

A complaint will be forthcoming. The hearing will be conducted within 30 to 40 days from issuance of the complaint. Pursuant to Ohio Revised Code § 4117.12(B), if a party seeks to exercise its right to have the hearing conducted within 10 days of the issuance of the complaint, the party or its representative must give written notification to the Executive Director's office within 10 days of receipt of this directive. The administrative law judge reserves the right to reschedule the hearing beyond this time for good cause shown pursuant to the Board's rules.

The Board directs the parties to the unfair labor practice mediation process prior to the prehearing in this matter. A Board mediator will immediately contact the parties. All parties needed to resolve this matter shall be present at the mediation.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



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CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10th day of February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Princeton Association of Classroom Educators, OEA/NEA and Ken Ferris,

Charging Parties,

v.

Princeton City School District Board of Education,

Charged Party.

Case Number: 02-ULP-10-0659

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

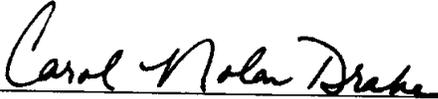
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

The Princeton Association of Classroom Educators, OEA/NEA and Ken Ferris (Charging Parties) have filed an unfair labor practice charge against the Princeton City School District Board of Education (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by retaliating against Ken Ferris for his exercise of guaranteed rights.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals Mr. Ferris was reprimanded for reasons other than engaging in protected activities, and he never requested union representation at the meeting. Accordingly, the charge is dismissed with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE  
Case No. 02-ULP-10-0659  
January 30, 2003  
Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10th day of February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 673,  
Charging Parties,

v.

Southington Local School District Board of Education,  
Charged Party.

Case Number: 02-ULP-10-0653

FINDING OF PROBABLE CAUSE AND DIRECTION TO EXPEDITED HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals probable cause exists for believing that a violation occurred. The Board authorizes the issuance of a complaint and directs that a hearing be held to determine whether the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) on or about August 29, 2002, and on or about September 9, 2002, during conversations between School Board Member Jerry Kovar and individual members of Charging Parties' bargaining team, by approaching Charging Parties' bargaining-team members individually to discuss and exchange proposals. Pursuant to Ohio Revised Code § 4117.15(B), the Board directs that the hearing in this matter be expedited.

A complaint will be forthcoming. The hearing will be conducted within ten days of the issuance of the complaint. The administrative law judge reserves the right to reschedule the hearing beyond this time with approval by the Executive Director and for good cause shown pursuant to the Board's rules.

The Board directs the parties to the unfair labor practice mediation process prior to the prehearing in this matter. A Board mediator will immediately contact the parties. All parties needed to resolve this matter shall be present at the mediation.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



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CAROL NOLAN DRAKE, CHAIRMAN

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

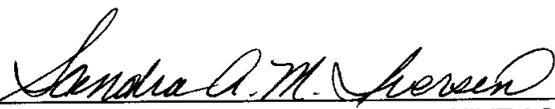
Case No. 02-ULP-10-0653

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of

February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 673,

Charging Parties,

v.

Southington Local School District Board of Education,

Charged Party.

Case Number: 02-ULP-10-0652

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January, 30, 2003.

The Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and its Local 673 (Charging Parties) filed an unfair labor practice charge against the Southington Local School District Board of Education (Charged Party) on October 7, 2002. The charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by engaging in regressive bargaining over the issue of insurance and wages.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charged Party did not bargain in bad faith and has not regressed in its bargaining proposals. Additionally, events occurring on or before July 9, 2002, occurred more than 90 days before the charge was filed with the Board. No mitigating circumstances exist that warrant equitable tolling of the statute of limitations. Accordingly, the charge is dismissed with prejudice for lack of probable cause to believe the statute has been violated and as untimely filed.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
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CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-10-0652

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of February, 2003.

  
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SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Fraternal Order of Police, Ohio Labor Council, Inc.,

Charging Party,

v.

Hamilton County Sheriff,

Charged Party.

Case Number: 02-ULP-09-0644

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

The Fraternal Order of Police, Ohio Labor Council, Inc. (Charging Party) filed an unfair labor practice charge against the Hamilton County Sheriff (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) by denying a bargaining-unit member union representation during questioning that could lead to discipline.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals there was no evidence provided showing that the Charging Party would receive discipline from the meeting. Accordingly, the charge is dismissed with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



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CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

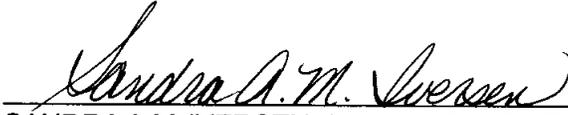
Case No. 02-ULP-09-0644

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of

February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Jeffrey Justham,

Charging Party,

v.

Ohio Council 8, American Federation of State, County and  
Municipal Employees, Local 11, AFL-CIO,

Charged Party.

Case Number: 02-ULP-09-0640

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Jeffrey Justham (Charging Party) filed an unfair labor practice charge against Ohio Council 8, American Federation of State, County and Municipal Employees, Local 11, AFL-CIO (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by allowing testimony of absent witnesses and refusing to discuss or arbitrate his grievance.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the determination not to take the grievance to arbitration is a judgment call with a rational basis. The Charged Party's actions are not arbitrary, discriminatory, or in bad faith. Additionally, the Charging Party has failed to support his allegations. Additionally, the Charging Party has failed to support his allegations. Accordingly, the charge is dismissed with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
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CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-09-0640

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of

February, 2003.

  
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SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

0059b.bo/020640:13003:12

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Patrolmen's Benevolent Association,

Charging Party,

v.

City of Niles,

Charged Party.

Case Number: 02-ULP-09-0582

DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

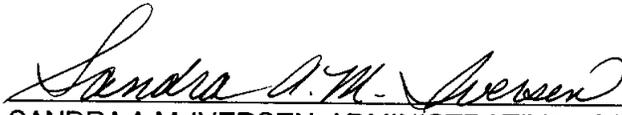
The Ohio Patrolmen's Benevolent Association has filed a letter requesting withdrawal of the referenced unfair labor practice charge. The Board construes the letter as a motion to withdraw and grants the motion with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party by regular U.S. mail, this 10<sup>th</sup> day of February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Norwalk Fire Fighters, Local 1199, IAFF,

Charging Party,

v.

City of Norwalk,

Charged Party.

Case Number: 02-ULP-09-0637

DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

The Norwalk Fire Fighters, Local 1199, IAFF has filed a letter requesting withdrawal of the referenced unfair labor practice charge. The Board construes the letter as a motion to withdraw and grants the motion with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party by regular U.S. mail, this 10th day of February, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ross Jenkins,

Charging Party,

v.

Sandusky Firefighter's Union, Local 327, IAFF and Brian Crandall,

Charged Parties.

Case Numbers: 02-ULP-09-0628 ✓  
02-ULP-09-0629

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGES

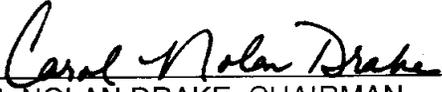
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Ross Jenkins (Charging Party) filed unfair labor practice charges against the Sandusky Firefighter's Union, Local 327, IAFF and Brian Crandall (Charged Parties). The charges allege the Charged Parties violated Ohio Revised Code § 4117.11(B)(1), (2), and (6) by refusing to file a grievance or pursue it with private counsel.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of these charges. The investigation reveals no probable cause exists to believe the Charged Parties have violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charging Party has failed to provide evidence to support his allegations. The Charging Party's grievance was withdrawn after review by the grievance committee. No evidence was provided to show the committee or Brian Crandall acted improperly. Additionally, the Charging Party has admitted he committed the three separate infractions. Accordingly, the charges are dismissed with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
\_\_\_\_\_  
CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGES

Case Nos. 02-ULP-09-0628

02-ULP-09-0629

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of

February, 2003.

  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ross Jenkins,

Charging Party,

v.

City of Sandusky,

Charged Party.

Case Number: 02-ULP-09-0627

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Ross Jenkins (Charging Party) filed an unfair labor practice charge against the City of Sandusky (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (6) by refusing to admit grievances and conspiring with the union to block the Charging Party's attempts to arbitrate a disciplinary grievance.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charging Party was not engaged in protected activities. Additionally, no information was provided to show Ohio Revised Code § 4117.11(A)(1) and (6) violations occurred. Accordingly, the charge is dismissed with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



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CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-09-0627

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10th day of

February, 2003.

  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of  
Communications Workers of America, Local 4530,

Charging Party,

v.

University of Toledo,

Charged Party.

Case Number: 02-ULP-09-0623

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

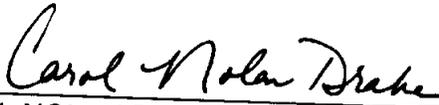
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

The Communications Workers of America, Local 4530 (Charging Party) filed an unfair labor practice charge against the University of Toledo (Charged Party) on September 19, 2002. The charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (4) by discriminating against Maureen Strall because of her protected activities, through the delay of her grievance and the denial of her recall rights.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charged Party's actions were unrelated to protected activities. Additionally, the Charging Party had knowledge of the alleged violation in 2001, which occurred more than 90 days before the charge was filed with the Board. No mitigating circumstances exist that warrant equitable tolling of the statute of limitations. Accordingly, the charge is dismissed with prejudice for lack of probable cause to believe the statute has been violated and as untimely filed.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
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CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-09-0623

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of February, 2003.

  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Service Employees International Union, District 1199,

Charging Party,

v.

State of Ohio, Department of Rehabilitation and Correction,  
Lorain Correctional Institution and Thom Skutt,

Charged Parties.

Case Number: 02-ULP-09-0607

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

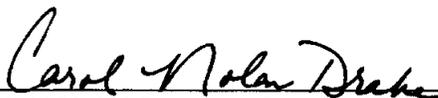
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

The Service Employees International Union, District 1199 (Charging Party) filed an unfair labor practice charge against the State of Ohio, Department of Rehabilitation and Correction, Lorain Correctional Institution and Thom Skutt (Charged Parties). The charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1), (2), (3), and (4) by intimidating and threatening a bargaining-unit member with job loss and changing the rules for requesting time off due to the exercise of guaranteed rights.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Parties have violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals no harm took place against Karla Carson. The comments made by Thom Skutt do not constitute a violation. Additionally, the Charged Parties' actions did not prevent the Charging Party from performing any of its administrative duties nor interfere with its administration. Accordingly, the charge is dismissed with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
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CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-09-0607

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of

February, 2003.

  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

0059b.bo/020607:13003:10

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 280,

Charging Party,

v.

State of Ohio, Department of Rehabilitation and Correction, Lima Correctional Institution,

Charged Party.

Case Number: 02-ULP-09-0604

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

The Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 280 (Charging Party) filed an unfair labor practice charge against the State of Ohio, Department of Rehabilitation and Correction, Lima Correctional Institution (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), and (5) by denying bargaining-unit employees representation by ordering a union steward from a meeting.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the meeting was not investigatory, and the employees were not entitled to union representation. Additionally, no information was provided to show Ohio Revised Code § 4117.11(A)(2) and (5) violations occurred. Accordingly, the charge is dismissed with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



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CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-09-0604

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of

February, 2003.

  
\_\_\_\_\_  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

0059b.bo/020604:13003:4

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Canton Police Patrolmen's Association,

Charging Party,

v.

City of Canton,

Charged Party.

Case Number: 02-ULP-09-0603

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals that probable cause exists for believing a violation occurred. The Board authorizes the issuance of a complaint and directs that a hearing be held to determine whether the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by disciplining Officer Mark Diels in retaliation for exercising his grievance rights, and by failing to permit him representation during the August 13, 2002 meeting. The Board dismisses the Ohio Revised Code § 4117.11(A)(8) allegation for lack of probable cause.

A complaint will be forthcoming. The hearing will be conducted within 30 to 40 days from issuance of the complaint. Pursuant to Ohio Revised Code § 4117.12(B), if a party seeks to exercise its right to have the hearing conducted within 10 days of the issuance of the complaint, the party or its representative must give written notification to the Executive Director's office within 10 days of receipt of this directive. The administrative law judge reserves the right to reschedule the hearing beyond this time for good cause shown pursuant to the Board's rules.

The Board directs the parties to the unfair labor practice mediation process prior to the prehearing in this matter. A Board mediator will immediately contact the parties. All parties needed to resolve this matter shall be present at the mediation.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
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CAROL NOLAN DRAKE, CHAIRMAN

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING  
Case No. 02-ULP-09-0603  
January 30, 2003  
Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of February, 2003.

  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

0059c.bo/020603:13003:19

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Youngstown Police Association, Ohio Patrolmen's Benevolent Association,  
Charging Party,

v.

City of Youngstown,  
Charged Party.

Case Number: 02-ULP-09-0587

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

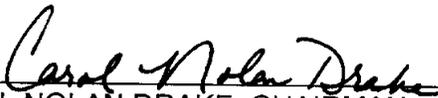
Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals that probable cause exists for believing a violation occurred. The Board authorizes the issuance of a complaint and directs that a hearing be held to determine whether the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally implementing Ordinance 02-176 regarding City vehicles.

A complaint will be forthcoming. The hearing will be conducted within 30 to 40 days from issuance of the complaint. Pursuant to Ohio Revised Code § 4117.12(B), if a party seeks to exercise its right to have the hearing conducted within 10 days of the issuance of the complaint, the party or its representative must give written notification to the Executive Director's office within 10 days of receipt of this directive. The administrative law judge reserves the right to reschedule the hearing beyond this time for good cause shown pursuant to the Board's rules.

The Board directs the parties to the unfair labor practice mediation process prior to the prehearing in this matter. A Board mediator will immediately contact the parties. All parties needed to resolve this matter shall be present at the mediation.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
CAROL NOLAN DRAKE, CHAIRMAN

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

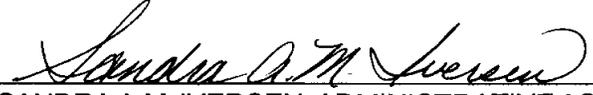
Case No. 02-ULP-09-0587

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of

February, 2003.

  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

0059c.bo/020587:13003:7

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 280,

Charging Party,

v.

State of Ohio, Department of Public Safety,

Charged Party.

Case Number: 02-ULP-09-0586

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

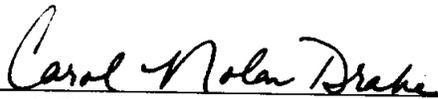
Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals that probable cause exists for believing a violation occurred. The Board authorizes the issuance of a complaint and directs that a hearing be held to determine whether the Charged Party violated Ohio Revised Code § 4117.11(A)(1) by interviewing employees to learn the identity of the employee who reported a work incident to an OCSEA staff representative and by threatening disciplinary action for such protected activity.

A complaint will be forthcoming. The hearing will be conducted within 30 to 40 days from issuance of the complaint. Pursuant to Ohio Revised Code § 4117.12(B), if a party seeks to exercise its right to have the hearing conducted within 10 days of the issuance of the complaint, the party or its representative must give written notification to the Executive Director's office within 10 days of receipt of this directive. The administrative law judge reserves the right to reschedule the hearing beyond this time for good cause shown pursuant to the Board's rules.

The Board directs the parties to the unfair labor practice mediation process prior to the prehearing in this matter. A Board mediator will immediately contact the parties. All parties needed to resolve this matter shall be present at the mediation.

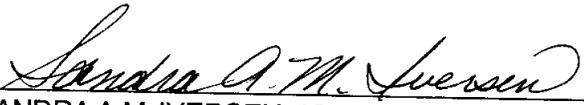
It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
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CAROL NOLAN DRAKE, CHAIRMAN

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING  
Case No. 02-ULP-09-0586  
January 30, 2003  
Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of February, 2003.

  
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SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

0059c.bo/020586:13003:15

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Terry Prater,  
Charging Party,

v.

Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 0280,  
Charged Party.

Case Number: 02-ULP-06-0398

DENIAL OF MOTION FOR RECONSIDERATION

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: January 30, 2003.

On October 24, 2002, the Board dismissed the referenced unfair labor practice charge for lack of probable cause. The charge alleged that the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (6) by losing the Charging Party's grievance, and by failing to advance it to Step 4.

On November 18, 2002, the Charging Party filed a request for reconsideration of the Board's decision. A review of the original investigation reveals that the Charging Party has failed to raise issues warranting reversal of the dismissal. Accordingly, the Board construes the Charging Party's request for reconsideration as a motion for reconsideration and denies the motion with prejudice.

It is so directed.

DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

  
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CAROL NOLAN DRAKE, CHAIRMAN

DENIAL OF MOTION FOR RECONSIDERATION

Case No. 02-ULP-06-0398

January 30, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 10<sup>th</sup> day of February, 2003.

  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

reconsdr:020398:13003:26