











State Employment Relations Board Minutes  
February 13, 2003  
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IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 02-ULP-05-0299 SERB v. Mohawk Local School District Board of Education

Board Member Verich moved that the Board adopt the Findings of Fact and Conclusions of Law in the Proposed Order, finding that the Respondent violated Ohio Revised Code Sections 4117.11(A)(1) and (A)(5) when it refused to bargain with the Mohawk Education Association, OEA/NEA while the Respondent's motion to stay negotiations was pending before the Board, and issue an Order, with a Notice to Employees, requiring the Respondent to cease and desist from interfering with, restraining, or coercing employees in the exercise of their rights guaranteed in Ohio Revised Code Chapter 4117, and from otherwise violating Ohio Revised Code Section 4117.11(A)(1), and refusing to bargain collectively with the Board-certified exclusive representative of a bargaining unit of its employees while a motion to stay negotiations is pending, and from otherwise violating Ohio Revised Code Section 4117.11(A)(5); to post the Notice to Employees for sixty days in all of the usual and normal locations where employees represented by the Mohawk Education Association, OEA/NEA worked at all times relevant herein; and to notify the Board in writing twenty calendar days from the date that the Order becomes final of the steps that have been taken to comply therewith. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE <u>Aye</u>	GILLMOR <u>Aye</u>	VERICH <u>Aye</u>
Affirmed <u>X</u>	Denied <u>   </u>	

2. Case 02-ULP-09-0583 American Association of University Professors, University of Cincinnati Chapter v. University of Cincinnati
3. Case 02-ULP-08-0548 SERB v. Worthington City School District Board of Education
4. Case 02-ULP-07-0514 Ohio Patrolmen's Benevolent Association v. City of East Cleveland



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V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Cases 02-ULP-11-0741 Sam Ingram, Jr. v. Cincinnati Recreation Commission

02-ULP-11-0742 Sam Ingram, Jr. v. American Federation of State, County and Municipal Employees, Local 250, AFL-CIO

Board Member Verich 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 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   

2. Case 02-ULP-10-0656 Columbiana County Mental Retardation and Developmental Disabilities Employees Association v. Columbiana County Board of Mental Retardation and Developmental Disabilities

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   

3. Case 02-ULP-12-0826 Paula Williams v. Boardman Medical Supply Company

Board Member Verich moved that the Board dismiss the charge with prejudice for lack of jurisdiction. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
                 Affirmed X                      Denied   

4. Case 02-ULP-10-0676 Lisa K. Fox v. Perkins Township (Erie County) Fire Chief Richard Ennis

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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9. Case 02-ULP-11-0769 Sycamore Education Association, OEA/NEA v. Sycamore City School District Board of Education

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), (2), and (5) by distributing a letter regarding current negotiations to represented employees, 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 \_\_\_

10. Case 02-ULP-12-0788 Sycamore City School District Board of Education v. Sycamore Education Association, OEA/NEA

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 \_\_\_

11. Case 02-ULP-10-0661 Fraternal Order of Police, Ohio Labor Council, Inc. v. City of Pataskala

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-09-0625 Willoughby Professional Fire Fighters Association, Local 2291, IAFF v. City of Willoughby

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), (3), and (5) by unilaterally changing the overtime procedures and harassing Fire Fighter Patrick Fink for asserting his overtime rights, 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-11-0729 American Federation of State, County and Municipal Employees, Local 1260 v. Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO

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 and as untimely filed with respect to the 1990 grievance. 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-11-0733 Board of Mahoning County Commissioners v. Ohio Council 8, American Federation of State, County and Municipal Employees, Local 3577, AFL-CIO

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 \_\_\_

21. Case 02-ULP-11-0777 Jeremy Hughes v. State of Ohio, Department of Rehabilitation and Correction, Grafton Correctional Institution

22. Case 02-ULP-11-0739 Service Employees International Union, AFL-CIO, District 1199 v. State of Ohio, Department of Youth Services

Board Member Verich moved that the Board dismiss the charges with prejudice because of the Charging Parties' failure to pursue the matters. 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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23. Case 02-ULP-07-0497 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 292 v. Madison Local School District Board of Education
24. Case 02-ULP-07-0505 Owens Faculty Association, Local 4670, AFT/AFL-CIO v. Owens Community College
25. Case 02-ULP-08-0536 Bonnie Perry v. City of Cleveland, Department of Public Service, Division of Waste Collection

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

Vote: DRAKE <u>Aye</u>	GILLMOR <u>Aye</u>	VERICH <u>Aye</u>
Affirmed <u>X</u>	Denied <u>   </u>	

26. Case 02-ULP-09-0591 Larry Brian Mayfield v. State of Ohio, Department of Commerce

Board Member Verich moved that the Board construe the letter as a motion for reconsideration, and deny the Charging Party's motion with prejudice as untimely filed pursuant to Ohio Administrative Code Rule 4117-1-04(E). Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE <u>Aye</u>	GILLMOR <u>Aye</u>	VERICH <u>Aye</u>
Affirmed <u>X</u>	Denied <u>   </u>	

27. Case 02-ULP-11-0757 Chardon Education Association, OEA/NEA v. Chardon Local School District Board of Education
28. Case 02-ULP-12-0785 Eastwood Local School District Board of Education v. Eastwood Education Association, OEA/NEA, Fareal Gause, and Sherri Sheffler
29. Case 02-ULP-12-0822 Eastwood Education Association, OEA/NEA v. Eastwood Local School District Board of Education
30. Case 02-ULP-12-0796 Shawnee Township Fire Fighters Association, Local 2550, IAFF v. Shawnee Township, Allen County



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VIII. ADJOURNMENT

Board Member Verich moved that the Board adjourn the meeting. Vice Chairman seconded the motion. Chairman Drake 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

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

Employee Organization,

and

Gallia County Sheriff,

Employer.

Case Numbers: 02-MED-10-1095 ✓  
02-MED-10-1096  
02-REP-09-0166  
02-REP-09-0167

DIRECTIVE GRANTING MOTION TO STAY NEGOTIATIONS

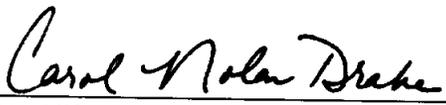
Before Chairman Drake, Vice Chairman Gillmor and Board Member Verich: February 13, 2003.

The Gallia County Sheriff (Employer) filed a motion to stay negotiations involving the Fraternal Order of Police, Ohio Labor Council, Inc., (Employee Organization) pending outcome of a related representation matter. The Employer questions whether the Employee Organization maintains majority status in the units.

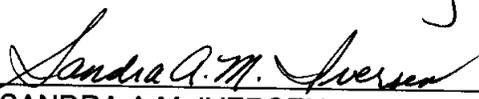
The motion to stay is granted. Accordingly, the negotiations are stayed in Case Nos. 02-MED-10-1095 and 02-MED-10-1096 pending disposition of Case Nos. 02-REP-09-0166 and 02-REP-09-0167. The processing of the representation cases are to be expedited. Upon issuance of the directive disposing of the related representation matters, the stay no longer will be in effect.

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 regular U.S. mail, postage prepaid, this 24<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 Polie, Ohio Labor Council, Inc.,

Employee Organization,

and

Crawford County Sheriff,

Employer.

Case Numbers: 02-MED-12-1234✓  
02-MED-12-1235  
02-MED-12-1236  
02-REP-12-0254  
02-REP-12-0255  
02-REP-12-0256

DIRECTIVE GRANTING MOTION TO STAY NEGOTIATIONS

Before Chairman Drake, Vice Chairman Gillmor and Board Member Verich: February 13, 2003.

The Crawford County Sheriff (Employer) filed a motion to stay negotiations involving the Fraternal Order of Police, Ohio Labor Council, Inc., (Employee Organization) pending outcome of a related representation matter. The Employer questions whether the Employee Organization maintains majority status in the units.

The motion to stay is granted. Accordingly, the negotiations are stayed in Case Nos. 02-MED-12-1234, 02-MED-12-1235, and 02-MED-12-1236 pending disposition of Case Nos. 02-REP-12-0254, 02-REP-12-0255, and 02-REP-12-0256. The processing of the representation cases are to be expedited. Upon issuance of the directive disposing of the related representation matters, the stay no longer will be in effect.

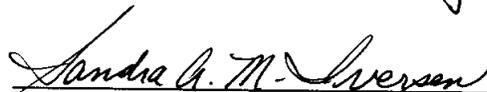
It is so directed.

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 regular U.S. mail, postage prepaid, this 24<sup>th</sup> day of February, 2003.



SANDRA A.M. IVERSEN  
ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Teamster Local Union No. 377,

Employee Organization,

and

City of East Palestine,

Employer.

Case Number: 02-MED-10-1134

DIRECTIVE GRANTING REQUEST TO DISMISS NOTICE TO NEGOTIATE

Before Chairman Drake, Vice Chairman Gillmor and Board Member Verich: February 13, 2003.

The Teamsters Local Union No. 377 (Employee Organization) filed notice to negotiate on October 25, 2002.

The request to dismiss the notice to negotiate is granted. As defined under Ohio Revised Code Section 4117.01(B), the Employer is not under the jurisdiction of the State Employment Relations Board.

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

While not conceding that Ohio Revised Code § 119.12 applies in this instance, the Board hereby notifies you that an appeal may be perfected 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 the representative of each party by certified mail, return receipt requested, this 24<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, Lodge No. 43.,

Employee Organization,

and

Boardman Township Trustees,

Employer.

Case Number: 02-MED-06-0624

DISMISSAL OF NOTICE TO NEGOTIATE

Before Chairman Drake, Vice Chairman Gillmor and Board Member Verich: February 13, 2003.

Based upon the revocation in Case No. 01-REP-06-0115, the notice to negotiate in Case No. 02-MED-06-0624 is dismissed.

It is so directed.

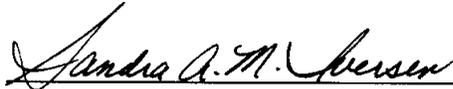
DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



CAROL NOLAN DRAKE, CHAIRMAN

While not conceding that Ohio Revised Code § 119.12 applies in this instance, the Board hereby notifies you that an appeal may be perfected 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 the representative of each party by regular U.S. mail, postage prepaid, this 24<sup>th</sup> day of February, 2003.



SANDRA A.M. IVERSEN  
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

American Association of University Professors, University of Akron Chapter,

Employee Organization,

and

The University of Akron,

Employer.

Case Number: 02-REP-10-0216

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

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 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 23, 2003, the The University of Akron shall serve on the American Association of University Professors, University of Akron Chapter and shall file with the Board a numbered, alphabetized election eligibility list, for each polling site, containing the names and home addresses of all employees eligible to vote as of January 22, 2003.

The election shall be held on March 11 and March 12, 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-10-0216  
February 13, 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 13<sup>th</sup> day of FEBRUARY, 2003.

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

DAM/jm/59b/02-13b/#1

**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

Huron County Commissioners,

Employer.

Case Number: 02-REP-11-0231

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

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 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 23, 2003, the Huron County Commissioners 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 24, 2003.

The election shall be held on March 26, 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-11-0231  
February 13, 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 13<sup>th</sup> day of FEBRUARY, 2003.

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

DAM/jm/59b/02-13b/#2

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Teamsters Local Union No. 40,

Employee Organization,

and

Mansfield City School District Board of Education,

Employer.

Case Number: 02-REP-11-0232

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

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 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 23, 2003, the Mansfield City School District Board of Education shall serve on Teamsters Local Union No. 40 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 17, 2003.

The election shall be held on March 14, 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-11-0232  
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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 13<sup>th</sup> day of FEBRUARY, 2003.

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

DAM/jm/59b/02-13b/#3

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Ohio Patrolmen's Benevolent Association,

Employee Organization,

and

Delaware County Board of Commissioners,

Employer.

Case Number: 02-REP-12-0248

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

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

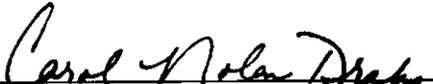
Pursuant to Ohio Revised Code § 4117.07(B) and Ohio Administrative Code Chapter 4117-5, the Board approves the Consent Election Agreement executed by the parties and directs that a representation election be conducted in accordance with the terms of the consent agreement or *at a date, time and place 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 23, 2003, the Delaware County Board of Commissioners shall serve on the Ohio Patrolmen's Benevolent Association 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 21, 2003.

The election shall be held on March 31, 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-12-0248  
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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 13<sup>th</sup> day of FEBRUARY, 2003.

  
SANDRA A. M. IVERSEN  
ADMINISTRATIVE SECRETARY

DAM/jm/59b/02-13b/#4

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Freight Drivers, Dockworkers and Helpers, Teamsters Local No. 24,

Employee Organization,

and

Ravenna Township, Portage County,

Employer.

Case Number: 02-REP-09-0173

**DIRECTIVE GRANTING MOTION TO WITHDRAW  
REQUEST FOR RECOGNITION**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

Freight Drivers, Dockworkers and Helpers, Teamsters Local No. 24 (Employee Organization) filed an amended Request for Recognition seeking to represent certain employees of Ravenna Township, Portage County (Employer). The Employer filed a Petition for Representation Election. The Employee Organization has filed a motion to withdraw its Request for Recognition.

The Board grants the Employee Organization's motion to withdraw, and dismisses without prejudice the Request for Recognition and dismisses the Employer's Petition for Representation Election as moot.

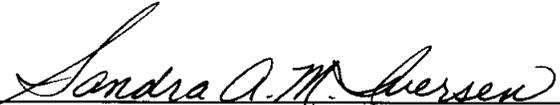
It is so directed.

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

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

Directive Granting Motion to Withdraw  
Request for Recognition  
Case No. 02-REP-09-0173  
February 13, 2003

I certify that this document was filed and a copy served upon the representative of each party by certified mail, return receipt requested, this 25<sup>th</sup> day of FEBRUARY, 2003.

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

DAM/jm/59w/02-13b/#5

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

General Truck Drivers and Helpers Local No. 92,

Employee Organization,

and

Community Action Agency of Columbiana County,

Employer.

Case Number: 02-REP-06-0105

**DISMISSAL OF PETITION FOR REPRESENTATION ELECTION**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

General Truck Drivers and Helpers Local No. 92 (Employee Organization) filed a Petition for Representation Election seeking to represent certain employees of the Community Action Agency of Columbiana County (Employer). The Employer responded by filing objections and a motion to dismiss. The Employee Organization did not respond to the Employer's motion to dismiss.

The Employer states it was founded by a group of local citizens as a private, non-profit corporation. The Employer was designated a community action agency in 1984. The Employer solicits funds from federal, state and private sources for its various programs. The Employer operates Head Start programs, Home Energy Assistance programs, and provides local transportation for low-income families. An employee's work status depends solely on his or her assignment with regard to a particular program. The Employer pays all its employees directly. The Employer maintains pursuant to In re Montgomery County Community Action Agency, Inc., SERB HO 1994-HO-010 (3-16-94) it is not a public employer and the employees in question are not public employees.

After reviewing the information provided, the Board finds that Community Action Agency of Columbiana County is not a "public employer" as the term is defined by Ohio Revised Code § 4117.01(B), grants the Employer's motion to dismiss, and dismisses with prejudice the Employee Organization's Petition for Representation Election.

Dismissal of Petition For Representation Election  
Case No. 02-REP-06-0105  
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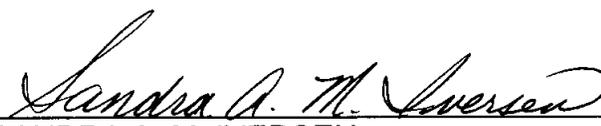
It is so directed.

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 25<sup>th</sup> day of FEBRUARY, 2003.

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

**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

City of Delaware,

Employer.

Case Number: 03-REP-01-0005

**AMENDMENT OF CERTIFICATION**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO (Employee Organization) is the Board-certified exclusive representative of certain employees of the City of Delaware (Employer). The Employee Organization and the Employer jointly filed a Petition for Amendment of Certification seeking to amend the certification to reflect a title change in the included language of the existing unit. The Board approves the petition and amends the unit, which is now described as follows:

Included: All clerical employees of the City of Delaware including Clerical Specialist, Accounting Specialist I and II, Administrative Assistant and Office Supervisor.

Excluded: All management-level employees and supervisors as defined in the Act.

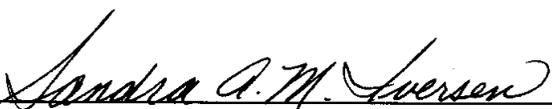
It is so directed.

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

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

Amendment of Certification  
Case No. 03-REP-01-0005  
February 13, 2003  
Page 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, this 25<sup>th</sup> day of FEBRUARY, 2003.

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

**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

Tuscarawas County Board of Mental Retardation and Developmental Disabilities,

Employer.

Case Number: 02-REP-11-0228

**DIRECTIVE GRANTING MOTION TO WITHDRAW**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO (Employee Organization) is the Board-certified exclusive representative of certain employees of the Tuscarawas County Board of Mental Retardation and Developmental Disabilities (Employer). The Employee Organization filed a Petition for Amendment of Certification and has now filed a letter seeking to withdraw it.

The Board construes the Employee Organization's letter as a motion to withdraw the petition, grants the motion, and dismisses without prejudice the Petition for Amendment of Certification.

It is so directed.

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

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

Directive Granting Motion to Withdraw  
Case No. 02-REP-11-0228  
February 13, 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 25<sup>th</sup> day of FEBRUARY, 2003.

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

DAM/jm/59w/02-13b/#8

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of  
Service Employees International Union, District 1199,  
Employee Organization,  
and  
Hamilton County Head Start,  
Employer.

Case Number: 02-REP-04-0072

**DIRECTIVE GRANTING MOTION TO WITHDRAW**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The Service Employees International Union, District 1199 (Employee Organization) is the Board-certified exclusive representative of certain employees of the Hamilton County Head Start (Employer). The Employee Organization filed an amended Petition for Amendment of Certification and has now filed a letter seeking to withdraw it.

The Board construes the Employee Organization's letter as a motion to withdraw the petition, grants the motion, and dismisses without prejudice the Petition for Amendment of Certification.

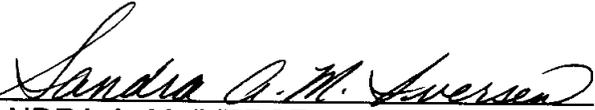
It is so directed.

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

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

Directive Granting Motion to Withdraw  
Case No. 02-REP-04-0072  
February 13, 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 25<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 Patrolmen's Benevolent Association,

Rival Employee Organization,

and

Fraternal Order of Police, Lodge No. 67,

Incumbent Employee Organization,

and

City of Garfield Heights,

Employer.

Case Number: 02-REP-09-0165

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

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

Pursuant to Ohio Revised Code § 4117.07(C), the Board conducted a secret ballot election on January 22, 2003, for employees of the City of Garfield Heights (Employer) in this appropriate unit:

Included: All full-time sworn patrolmen.

Excluded: Chief of Police and all other holding the rank of Sergeant and above.

The results of the election are: thirty-nine (39) ballots were cast; eight (8) votes were for the Ohio Patrolmen's Benevolent Association; thirty-one (31) votes were for the Fraternal Order of Police, Lodge No. 67; and zero (0) votes were for "No Representative".

The Fraternal Order of Police, Lodge No. 67 has received a majority of the ballots cast and is certified as the exclusive representative of all employees in the unit.

Certification of Election Results  
and of Exclusive Representative  
Case No. 02-REP-09-0165  
February 13, 2003  
Page 2

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 25<sup>th</sup> day of FEBRUARY, 2003.

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

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Sugar creek Township Professional Firefighters, IAFF Local 4175,

Employee Organization,

and

Sugar creek Township, Greene County,

Employer.

Case Number: 02-REP-02-0036

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

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

Pursuant to Ohio Revised Code § 4117.07(C), the Board conducted a secret ballot election on January 29, 2003, for employees of Sugar creek Township, Greene County (Employer) in this appropriate unit:

Included: All full-time uniformed employees of the Fire Department including Firefighters, Lieutenants, Captains and Assistant Chiefs.

Excluded: Fire Chief, one Assistant Chief, one Administrative Assistant/Firefighter, those positions excluded by statute and not specifically included herein.

The results of the election are: six (6) ballots were cast; five (5) votes were for the Sugar creek Township Professional Firefighters, IAFF Local 4175; and one (1) vote was for "No Representative."

The Sugar creek Township Professional Firefighters, IAFF Local 4175 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.

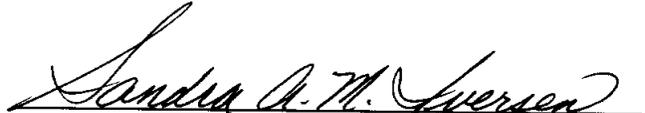
DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.

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

Certification of Election Results  
and of Exclusive Representative  
Case No. 02-REP-02-0036  
February 13, 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 25<sup>th</sup> day of FEBRUARY, 2003.

  
SANDRA A. M. INVERSEN  
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

State Employment Relations Board,

Complainant,

v.

Mohawk Local School District Board of Education,

Respondent.

**Case No. 2002-U LP-05-0299**

**ORDER**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

On May 1, 2002, the Mohawk Education Association, OEA/NEA ("Union") filed an unfair labor practice charge against the Mohawk Local School District Board of Education ("Respondent"), alleging that the Respondent violated Ohio Revised Code Sections 4117.11(A)(1) and (A)(5). On June 6, 2002, the State Employment Relations Board ("SERB" or "Complainant") found probable cause to believe that the Respondent violated Ohio Revised Code Sections 4117.11(A)(1) and (A)(5) by refusing to negotiate for a successor agreement prior to the granting of the motion to stay.

On July 1, 2002, a complaint was issued. On July 9, 2002, the Respondent filed its answer to the complaint, admitting all factual allegations contained therein. The parties agreed to submit the case for determination on stipulations and briefs. On September 16, 2002, the Administrative Law Judge issued a Proposed Order. On October 2, 2002, the Respondent filed exceptions to the Proposed Order. On October 21, 2002, the Complainant and the Union filed their responses to the Respondent's exceptions.

After reviewing the record and all filings, the Board adopts the Findings of Fact and Conclusions of Law in the Proposed Order, finding that the Respondent violated Ohio Revised Code Sections 4117.11(A)(1) and (A)(5) when it refused to bargain with the Mohawk Education Association, OEA/NEA while the Respondent's motion to stay negotiations was pending before the Board. The Mohawk City School District Board of Education is hereby ordered to:

A. CEASE AND DESIST FROM:

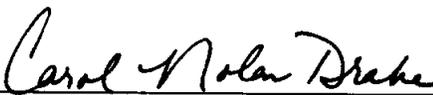
1. Interfering with, restraining, or coercing employees in the exercise of their rights guaranteed in Ohio Revised Code Chapter 4117, and from otherwise violating Ohio Revised Code Section 4117.11(A)(1); and
2. Refusing to bargain collectively with the Board-certified exclusive representative of a bargaining unit of its employees while a motion to stay negotiations is pending, and from otherwise violating Ohio Revised Code Section 4117.11(A)(5).

B. TAKE THE FOLLOWING AFFIRMATIVE ACTION:

1. Post the Notice to Employees for sixty days in all of the usual and normal locations where employees represented by the Mohawk Education Association, OEA/NEA worked at all times relevant herein; and
2. Notify the State Employment Relations Board in writing twenty calendar days from the date that this Order becomes final of the steps that have been taken to comply therewith.

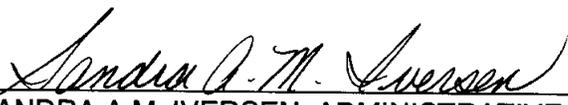
It is so ordered.

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 Section 4117.13(D), by filing a notice of appeal with the State Employment Relations Board at 65 East State Street, 12th Floor, Columbus, Ohio 43215-4213, and with the court of common pleas in the county where the unfair labor practice in question was alleged to have been engaged in, or where the person resides or transacts business, within fifteen days after the mailing of the State Employment Relations Board's Order.

I certify that this document was filed and a copy served upon each party by certified mail, return receipt requested, on this 25<sup>th</sup> day of February, 2003.

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



# NOTICE TO EMPLOYEES

FROM THE  
STATE EMPLOYMENT RELATIONS BOARD

POSTED PURSUANT TO AN ORDER OF THE  
STATE EMPLOYMENT RELATIONS BOARD  
AN AGENCY OF THE STATE OF OHIO

After a hearing in which all parties had an opportunity to present evidence, the State Employment Relations Board has determined that we have violated the law and has ordered us to post this Notice. We intend to carry out the order of the Board and to abide by the following:

**A. CEASE AND DESIST FROM:**

1. Interfering with, restraining, or coercing employees in the exercise of their rights guaranteed in Ohio Revised Code Chapter 4117, and from otherwise violating Ohio Revised Code Section 4117.11(A)(1); and
2. Refusing to bargain collectively with the Board-certified exclusive representative of a bargaining unit of its employees while a motion to stay negotiations is pending, and from otherwise violating Ohio Revised Code Section 4117.11(A)(5).

**B. TAKE THE FOLLOWING AFFIRMATIVE ACTION:**

1. Post the Notice to Employees for sixty days in all of the usual and normal locations where employees represented by the Mohawk Education Association, OEA/NEA worked at all times relevant herein; and
2. Notify the State Employment Relations Board in writing twenty calendar days from the date that the Order becomes final of the steps that have been taken to comply therewith.

***SERB v. Mohawk City School District Board of Education***  
**Case Number 2002-ULP-05-0299**

\_\_\_\_\_  
BY

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TITLE

**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED**

This Notice must remain posted for sixty consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this Notice or compliance with its provisions may be directed to the State Employment Relations Board.

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

American Association of University Professors, University of Cincinnati Chapter,

Charging Party,

v.

University of Cincinnati,

Charged Party.

**Case No. 2002-ULP-09-0583**

**DIRECTIVE GRANTING MOTION TO DISMISS**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

On September 4, 2002, the American Association of University Professors, University of Cincinnati Chapter ("Charging Party") filed an unfair labor practice charge against the University of Cincinnati ("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 28, 2003, the parties entered into a settlement agreement. In the settlement, the parties requested that the Board treat the agreement as motion by the Charging Party to dismiss the unfair labor practice charge with prejudice.

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 25<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.

Worthington City School District Board of Education,

Respondent.

**Case No. 2002-ULP-08-0548**

**DIRECTIVE GRANTING MOTIONS TO WITHDRAW AND DISMISS**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

On August 15, 2002, the Worthington Education Association, OEA/NEA ("Charging Party") filed an unfair labor practice charge against the Worthington City School District Board of Education ("Respondent"). On December 12, 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 24, 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 dismiss the unfair labor practice charge with prejudice. On January 27, 2003, the Complainant filed a motion to dismiss the complaint.

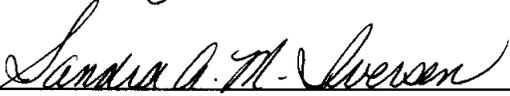
The settlement agreement is approved and adopted, the settlement agreement is construed as a motion to dismiss, the motions to dismiss are granted, the complaint is dismissed, and the unfair labor practice charge is dismissed with prejudice.

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 25<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 Patrolmen's Benevolent Association,

Charging Party,

v.

City of East Cleveland,

Charged Party.

**Case No. 2002-ULP-07-0514**

**DIRECTIVE GRANTING MOTION TO DISMISS**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

On July 26, 2002, the Ohio Patrolmen's Benevolent Association ("Charging Party") filed an unfair labor practice charge against the City of East Cleveland ("Charged Party"). On October 10, 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 22, 2003, the Charging Party filed a motion to dismiss the unfair labor practice charge with prejudice. In the motion, the Charging Party indicated that the parties had mutually resolved the issues in the charge and that nothing remains for deliberation by the Board.

The motion to dismiss 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 25<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 Association of Public School Employees, AFSCME Local 4, AFL-CIO,

Employee Organization,

and

Summit Academy (Canton),

Employer.

**Case No. 2002-REP-09-0184**

**DIRECTIVE GRANTING MOTION TO WITHDRAW**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

On September 20, 2002, the Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO ("Employee Organization") filed a Request for Recognition seeking to represent a bargaining unit of employees of Summit Academy (Canton). On August 6, 2001, the Employer filed an objection to the Request for Recognition and a Petition for Representation Election – Employer. On November 26, 2002, the State Employment Relations Board ("Board") directed this matter to hearing to determine whether Summit Academy is a "public employer," an appropriate bargaining unit, and for all other relevant issues.

On January 30, 2003, the Employee Organization filed a motion to withdraw its pending Request for Recognition.

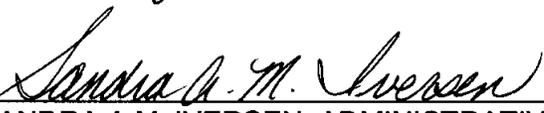
The motion to withdraw is granted, and the Request for Recognition is dismissed with prejudice.

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 25<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 Association of Public School Employees, AFSCME Local 4, AFL-CIO,  
Employee Organization,

and

Franklin County Board of Mental Retardation and Developmental Disabilities,  
Employer.

**Case No. 2002-REP-03-0063**

**DIRECTIVE CERTIFYING ELECTION RESULTS  
AND EXCLUSIVE REPRESENTATIVE**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich:  
February 13, 2003.

On March 29, 2002, the Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO ("Union") filed a Request for Recognition seeking to represent a bargaining unit of employees of the Franklin County Board of Mental Retardation and Developmental Disabilities ("Employer"). On April 3, 2002, the Employer filed a Petition for Representation Election – Employer. On April 19, 2002, the parties entered into a Consent Election Agreement in which they requested that the election be held at three different locations on May 31, 2002. On May 9, 2002, the State Employment Relations Board ("Board") directed that an election be conducted pursuant to the Consent Election Agreement.

The election was held on May 31, 2002. The Union received 115 votes, No Representative received 114 votes, and four ballots were challenged. On August 1, 2002, the Board found that two of the contested ballots were filed by ineligible voters and directed this matter to hearing to determine the eligibility of Carolyn Earnhardt and Keith Ogle and whether the Employer and/or Union engaged in conduct that warrants a rerun election, and for all other relevant issues. Before the hearing, the parties agreed that Carolyn Earnhardt was not an eligible voter.

On September 25, 2002, a hearing was held. After the parties filed post-hearing briefs, the Administrative Law Judge's Recommended Determination was issued on December 3, 2002. On December 17, 2002, the Employer filed exceptions to the Recommended Determination. On December 20, 2002, the Union filed a response to the exceptions.

After reviewing the record, the exceptions, response to exceptions, and all other filings in this case, the Board adopts the Findings of Fact and Conclusions of Law in the Recommended Determination, finding that Keith Ogle was not included in the proposed bargaining unit of the Bus Drivers and Bus Assistants and was not an eligible voter under the terms of the parties' Consent Election Agreement. The results of the May 31, 2002 election are hereby certified, showing that No Representative received 114 votes and the Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO received 115 votes and was the prevailing party. The Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO is hereby certified as the exclusive representative of all of the employees in the following bargaining unit:

INCLUDED: Bus Drivers and Bus Assistants.

EXCLUDED: All other employees, including Maintenance, Secretaries, all other Office Personnel, Case Management Van Drivers, Drivers/Recreation Assistants, and Drivers/Special Olympic Assistants.

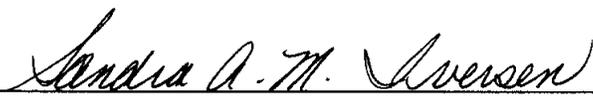
It is so ordered.

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 Section 119.12, by filing a notice of appeal with the State Employment Relations Board at 65 East State Street, 12th Floor, Columbus, Ohio 43215-4213, and with the Franklin County Court of Common Pleas within fifteen days after the mailing of the State Employment Relations Board's directive.

I certify that a copy of this document was served upon each party's representative by certified mail, return receipt requested this 25<sup>th</sup> day of February, 2003.

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

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Office and Professional Employees International Union Local 512,

Employee Organization,

and

Central Ohio Transit Authority,

Employer.

**Case No. 2001-REP-07-0170**

**DIRECTIVE DISMISSING REQUEST FOR RECOGNITION**

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich:  
February 13, 2003.

On July 16, 2001, the Office and Professional Employees International Union Local 512 ("Union") filed a Request for Recognition seeking to represent a bargaining unit of employees of the Central Ohio Transit Authority ("Employer"). On August 6, 2001, the Employer filed an objection to the Request for Recognition, a Petition for Representation Election – Employer, and a motion to dismiss. On June 20, 2002, the State Employment Relations Board ("Board") denied the motion to dismiss and directed this matter to hearing to determine an appropriate bargaining unit and all other relevant issues.

On August 19, 20, and 21, 2002, a hearing was held. After the parties filed post-hearing briefs, the Administrative Law Judge's Recommended Determination was issued on October 25, 2002. Neither party filed exceptions to the Recommended Determination.

After reviewing the record, the exceptions, response to exceptions, and all other filings in this case, the Board adopts the Findings of Fact and Conclusions of Law in the Recommended Determination, finding that the Dispatch Supervisor, Zone Supervisor, Radio Room Supervisor, Vehicle Maintenance Supervisor, and Training Supervisor positions are "supervisors" under Ohio Revised Code Section 4117.01(F) and are not "public employees" under Ohio Revised Code Section 4117.01(C), dismisses with prejudice the Request for Recognition, and dismisses as moot the Petition for Representation Election – Employer.

Directive Dismissing Request for Recognition  
Case No. 2001-REP-07-0170  
February 13, 2003  
Page 2 of 2

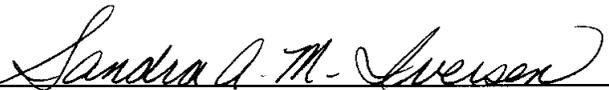
It is so ordered.

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 Section 119.12, by filing a notice of appeal with the State Employment Relations Board at 65 East State Street, 12th Floor, Columbus, Ohio 43215-4213, and with the Franklin County Court of Common Pleas within fifteen days after the mailing of the State Employment Relations Board's directive.

I certify that a copy of this document was served upon each party's representative by certified mail, return receipt requested this 25<sup>th</sup> day of February, 2003.

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

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Sam Ingram, Jr.,

Charging Party,

v.

Cincinnati Recreation Commission,

Charged Party.

Case Number: 02-ULP-11-0741

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

Sam Ingram, Jr. (Charging Party) filed an unfair labor practice charge against the Cincinnati Recreation Commission (Charged Party) on November 13, 2002. The charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by harassing and discriminating against the Charging Party by not enforcing the drug abuse policy the same as with a white female co-worker.

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 terminated for engaging in protected activities. Additionally, the May 25, 2002 termination 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.

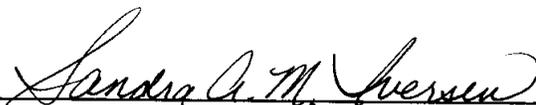


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CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE  
Case No. 02-ULP-11-0741  
February 13, 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 24<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  
Sam Ingram, Jr.,  
Charging Party,

v.

American Federation of State, County and Municipal Employees, Local 250, AFL-CIO,  
Charged Party.

Case Number: 02-ULP-11-0742

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

Sam Ingram, Jr. (Charging Party) filed an unfair labor practice charge against the American Federation of State, County and Municipal Employees, Local 250, AFL-CIO (Charged Party) on November 13, 2002. The charge alleged the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to fairly represent the Charging Party by not taking his grievance 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 Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charged Party did not advance the grievance based on the merits of the case. Additionally, knowledge of the notification on July 22, 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-11-0742

February 13, 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 24th 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

Columbiana County Mental Retardation and Developmental Disabilities Employees Association,  
Charging Party,

v.

Columbiana County Board of Mental Retardation and Developmental Disabilities,  
Charged Party.

Case Number: 02-ULP-10-0656

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The Columbiana County Mental Retardation and Developmental Disabilities Employees Association (Charging Party) filed an unfair labor practice charge against the Columbiana County Board of Mental Retardation and Developmental Disabilities (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by hiring employees and setting their salaries higher than existing employees' salaries.

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 matter is strictly a matter of contractual interpretation and would be best addressed through the parties' grievance-arbitration procedure. 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

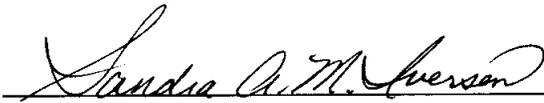
Case No. 02-ULP-10-0656

February 13, 2003

Page 2 of 2

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February, 2003.

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

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Paula Williams,

Charging Party,

v.

Boardman Medical Supply Company,

Charged Party.

Case Number: 02-ULP-12-0826

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

Paula Williams (Charging Party) filed an unfair labor practice charge against the Boardman Medical Supply Company (Charged Party).

Pursuant to Ohio Revised Code Section 4117.12, the Board has conducted an investigation of this charge. The Charging Party is not a public employee and lacks standing to file a charge with SERB. Accordingly, the charge is dismissed with prejudice for lack of jurisdiction.

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

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February, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Lisa K. Fox,

Charging Party,

v.

Perkins Township (Erie County) Fire Chief Richard Ennis,

Charged Party.

Case Number: 02-ULP-10-0676

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

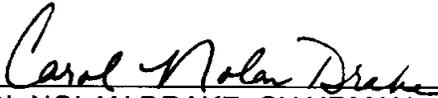
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

Lisa K. Fox (Charging Party) filed an unfair labor practice charge against Perkins Township (Erie County) Fire Chief Richard Ennis (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by denying the Charging Party the right to union representation and disciplining her because of her protected activity of requesting representation.

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 compelled to continue with a disciplinary interview after she requested representation, the discipline was contemplated before the request for representation, and the employer's actions were unrelated to protected activities. 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-10-0676

February 13, 2003

Page 2 of 2

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February, 2003.

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

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Vickie Miller,

Charging Party,

v.

State of Ohio, Department of Rehabilitation and Correction,

Charged Party.

Case Number: 02-ULP-10-0686

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

Vickie Miller (Charging Party) filed an unfair labor practice charge against the State of Ohio, Department of Rehabilitation and Correction (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (8) by violating a 2000-grievance award.

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 contract interpretation is at the center of the issue and would be best addressed through the parties' grievance-arbitration procedure. 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

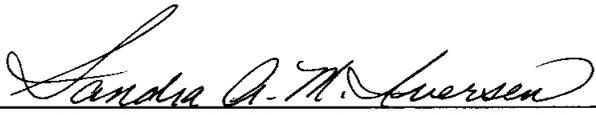
Case No. 02-ULP-10-0686

February 13, 2003

Page 2 of 2

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February, 2003.

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

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

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

Charging Party,

v.

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

Charged Party.

Case Number: 02-ULP-10-0690

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

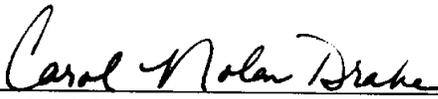
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO (Charging Party) filed an unfair labor practice charge against the State of Ohio, Department of Rehabilitation and Correction, Warren Correctional Institution (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (5), and (8) by refusing to follow the terms of the pick-a-post agreement, or the related grievance settlements and arbitration awards.

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 grievance settlements and arbitration awards are being followed. Additionally, the Charging Party failed to support its 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-10-0690

February 13, 2003

Page 2 of 2

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February, 2003.

  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Bonnie Perry,

Charging Party,

v.

City of Cleveland, Division of Waste Collection and Ronnie M. Owens,

Charged Parties.

Case Number: 02-ULP-11-0734

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

Bonnie Perry (Charging Party) filed an unfair labor practice charge against the City of Cleveland, Division of Waste Collection and Ronnie M. Owens (Charged Parties). The charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1), (3), and (4) by retaliating against the Charging Party because she engaged in protected activities of filing grievances and an unfair labor practice charge.

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 contract interpretation is at the center of the issue. Additionally, the Charged Parties' actions are for reasons other than protected activities. 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-11-0734

February 13, 2003

Page 2 of 2

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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

Twinsburg Education Association, OEA/NEA,  
Charging Party,

v.

Twinsburg City School District Board of Education,  
Charged Party.

Case Number: 02-ULP-10-0655

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The Twinsburg Education Association, OEA/NEA (Charging Party) filed an unfair labor practice charge against the Twinsburg City School District Board of Education (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by unilaterally amending a staff conduct policy in an attempt to interfere with, intimidate, and retaliate against bargaining-unit members for exercising 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 policy change is de minimis, no employee has been affected by the changes, and, under the totality of the circumstances, the Charged Party's actions would not intimidate employees. 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-10-0655

February 13, 2003

Page 2 of 2

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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

Sycamore Education Association, OEA/NEA,  
Charging Party,

v.

Sycamore City School District Board of Education,  
Charged Party.

Case Number: 02-ULP-11-0769

FINDING OF PROBABLE CAUSE AND DIRECTION TO EXPEDITED HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 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), (2), and (5) by distributing a letter regarding current negotiations to represented employees. 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-11-0769

February 13, 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 24th 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

Sycamore City School District Board of Education,  
Charging Party,

v.

Sycamore Education Association, OEA/NEA,  
Charged Party.

Case Number: 02-ULP-12-0788

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

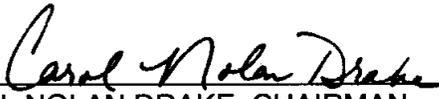
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The Sycamore City School District Board of Education (Charging Party) filed an unfair labor practice charge against the Sycamore Education Association, OEA/NEA (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(2), (3), and (5) by distributing a newsletter regarding current negotiations to homes in the School District, and by encouraging bargaining-unit employees to refuse to perform services and engage in disruptive practices that interfere with the Charging's Party's operation.

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 wearing badges, reminding students to have their parents attend meetings, and individual acts by teachers do not constitute a violation of the statute. Additionally, the Charging Party failed to show an Ohio Revised Code § 4117.11(B)(2) violation 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-12-0788

February 13, 2003

Page 2 of 2

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February, 2003.

  
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.

City of Pataskala,

Charged Party.

Case Number: 02-ULP-10-0661

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The Fraternal Order of Police, Ohio Labor Council, Inc. (Charging Party) filed an unfair labor practice charge against the City of Pataskala (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by threatening and retaliating against Francisco Fernandez because he filed a 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 Mr. Fernandez has not suffered any adverse employment action from the conversation. Additionally, the comments made by Chief Chris Forshey did not interfere with, restrain, or coerce Mr. Fernandez in exercising his guaranteed rights. 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

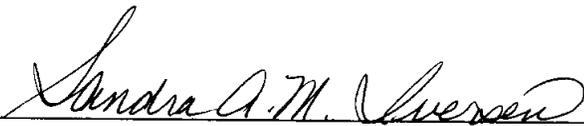
Case No. 02-ULP-10-0661

February 13, 2003

Page 2 of 2

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February, 2003.

  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Willoughby Professional Fire Fighters Association, Local 2291, IAFF,

Charging Party,

v.

City of Willoughby,

Charged Party.

Case Number: 02-ULP-09-0625

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 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), (3), and (5) by unilaterally changing the overtime procedures, and harassing Fire Fighter Patrick Fink for asserting his overtime rights.

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-09-0625

February 13, 2003

Page 2 of 2

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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

International Association of Fire Fighters, Local 3003,

Charging Party,

v.

Perry Township Trustees (Lake County), Perry Fire District, and Perry Fire Advisory Board,

Charged Parties.

Case Number: 02-ULP-09-0633

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The International Association of Fire Fighters, Local 3003 (Charging Party) filed an unfair labor practice charge against the Perry Township Trustees (Lake County), Perry Fire District, and Perry Fire Advisory Board (Charged Parties). The charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1), (2), (3), (5), and (7) by dealing directly with bargaining-unit employees, and threatening the employees with loss of their jobs if they did not accept the contract being offered.

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 actions taken by the public employer, Perry Township Trustees, rise to the level of a violation, and the agreement allows for the contracting out of services. The Perry Fire District had not become the employer, and it employed no fire fighters during the time in question. Additionally, the Perry Fire Advisory Board is not a public employer pursuant to Ohio Revised Code § 4117.01(B). 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-09-0633  
February 13, 2003  
Page 2 of 2

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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 Civil Service Employees Association, AFSCME Local 11, AFL-CIO,  
Charging Party,

v.

State of Ohio, Department of Rehabilitation and Correction, Reformatory for Women,  
Charged Party.

Case Number: 02-ULP-10-0709

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO (Charging Party) filed an unfair labor practice charge against the State of Ohio, Department of Rehabilitation and Correction, Reformatory for Women (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), and (5) by unilaterally making a mid-term change to the parties' collective bargaining agreement.

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 notified of the changes and was involved in the discussions before implementation. Additionally, the Charging Party failed to show Ohio Revised Code § 4117.11(A)(1) or (2) 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-10-0709

February 13, 2003

Page 2 of 2

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February, 2003.

  
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Stryker Education Association, OEA/NEA,

Charging Party,

v.

Stryker Local School District Board of Education,

Charged Party.

Case Number: 02-ULP-11-0717

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

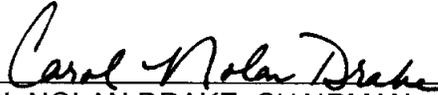
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The Stryker Education Association, OEA/NEA (Charging Party) filed an unfair labor practice charge against the Stryker Local School District Board of Education (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally changing terms and conditions of employment.

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 contract interpretation is at the center of this charge, and is being pursued through the parties' grievance-arbitration procedure. 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

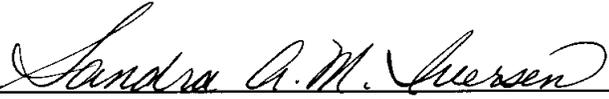
Case No. 02-ULP-11-0717

February 13, 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 24<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 Patrolmen's Benevolent Association,

Charging Party,

v.

City of East Cleveland,

Charged Party.

Case Numbers: 02-ULP-11-0718  
02-ULP-11-0719

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of these charges. The investigation reveals that probable cause exists for believing a violation occurred. The Board consolidates the cases, 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 refusing to submit agreements to City Council and execute and implement the agreements of the parties.

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

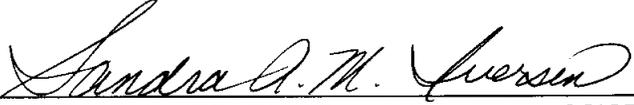
Case Nos. 02-ULP-11-0718  
02-ULP-11-0719

February 13, 2003

Page 2 of 2

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February, 2003.

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

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STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Fred Hartman,

Charging Party,

v.

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

Charged Party.

Case Number: 02-ULP-10-0687

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

Fred Hartman (Charging Party) filed an unfair labor practice charge against the Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO (Charged Party) on October 21, 2002. The charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(6) and (B)(1) through (B)(8) by failing to respond to the Charging Party's inquiries and letters regarding alleged age discrimination by the employer.

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 never requested any specific action of the Charged Party. Additionally, knowledge of the alleged events, occurring prior to July 23, 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.

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

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-10-0687

February 13, 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 24<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 689,  
Charging Parties,

v.

Akron City School District Board of Education,  
Charged Party.

Case Number: 02-ULP-11-0724

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

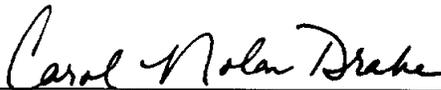
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and its Local 689 (Charging Parties) filed an unfair labor practice charge against the Akron City School District Board of Education (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by failing to bargain in good faith.

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 no change was implemented regarding the employees. 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-11-0724

February 13, 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 24<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

American Federation of State, County and Municipal Employees, Local 1260,

Charging Party,

v.

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

Charged Party.

Case Number: 02-ULP-11-0729

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The American Federation of State, County and Municipal Employees, Local 1260 (Charging Party) filed an unfair labor practice charge against Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO (Charged Party) on November 7, 2002. The charge alleged the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (6) by refusing to take grievances 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 Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charged Party did not forward the grievances to arbitration because they lacked merit. The Charged Party's actions were not arbitrary, discriminatory, or in bad faith. Additionally, knowledge of the alleged 1990 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 with respect to the alleged 1990 violation.

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-11-0729  
February 13, 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 24<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

Board of Mahoning County Commissioners,

Charging Party,

v.

Ohio Council 8, American Federation of State, County and Municipal Employees, Local 3577,  
AFL-CIO,

Charged Party.

Case Number: 02-ULP-11-0733

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The Board of Mahoning County Commissioners (Charging Party) filed an unfair labor practice charge against Ohio Council 8, American Federation of State, County and Municipal Employees, Local 3577, AFL-CIO (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1), (2), and (3) by filing frivolous unfair labor practice charges and bargaining in bad faith.

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 failure to pursue an unfair labor practice charge is not a violation of the statute. Talking to an attorney representing the local union is not a violation of the statute. Additionally, the membership voting down the agreement is not a violation of the statute. 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-11-0733

February 13, 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 24<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  
Jeremy Hughes,  
Charging Party,

v.

State of Ohio, Department of Rehabilitation and Correction, Grafton Correctional Institution,  
Charged Party.

Case Number: 02-ULP-11-0777

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

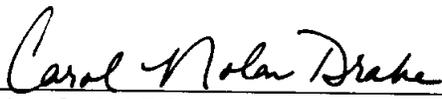
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

Jeremy Hughes (Charging Party) filed an unfair labor practice charge against the State of Ohio, Department of Rehabilitation and Correction, Grafton Correctional Institution (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11.

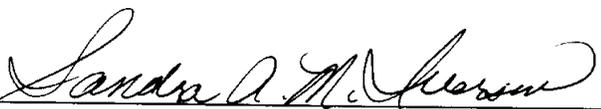
Pursuant to the Board's investigation under Ohio Revised Code § 4117.12, information was requested from the Charging Party. The Charging Party did not respond to the requests for information. Accordingly, the charge is dismissed with prejudice for failure of the Charging Party to pursue the matter.

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 24/03  
day of February, 2003.

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

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Service Employees International Union, AFL-CIO, District 1199,

Charging Party,

v.

State of Ohio, Department of Youth Services,

Charged Party.

Case Number: 02-ULP-11-0739

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The Service Employees International Union, AFL-CIO, District 1199 (Charging Party) filed an unfair labor practice charge against the State of Ohio, Department of Youth Services (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 requests 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 24th  
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 and Its Local 292,

Charging Parties,

v.

Madison Local School District Board of Education,

Charged Party.

Case Number: 02-ULP-07-0497

DENIAL OF MOTION FOR RECONSIDERATION

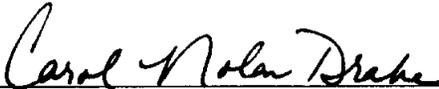
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

On November 26, 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), (3), and (4) by harassing and terminating June Tenney for her and her husband's exercise of guaranteed rights.

On January 17, 2003, 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 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.

  
\_\_\_\_\_  
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 24<sup>th</sup> day of February, 2003.

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

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Owens Faculty Association, Local 4670, AFT/AFL-CIO,

Charging Party,

v.

Owens Community College,

Charged Party.

Case Number: 02-ULP-07-0505

DENIAL OF MOTION FOR RECONSIDERATION

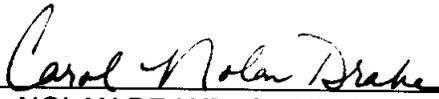
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

On December 12, 2002, the Board dismissed the referenced unfair labor practice charge as untimely filed. The charge alleged that the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (4) by revealing to bargaining-unit employees its concern regarding Angie Ondrus' candidacy for Union President.

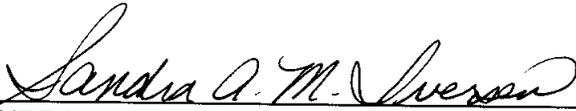
On January 17, 2003, the Charging Party filed a motion for reconsideration of the Board's decision. A review of the original investigation reveals that the Charging Party has failed to raise issues warranting reversal of the dismissal. Accordingly, the Board denies the motion with prejudice.

It is so directed.

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

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

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

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Bonnie Perry,

Charging Party,

v.

City of Cleveland, Department of Public Service, Division of Waste Collection,

Charged Party.

Case Number: 02-ULP-08-0536

DENIAL OF MOTION FOR RECONSIDERATION

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 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), (3), and (6) by disciplining the Charging Party for filing a grievance, and by failing to answer the grievance pursuant to the terms of the collective bargaining agreement.

On January 27, 2003, 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 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.

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

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

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Larry Brian Mayfield,

Charging Party,

v.

State of Ohio, Department of Commerce,

Charged Party.

Case Number: 02-ULP-09-0591

DENIAL OF MOTION FOR RECONSIDERATION

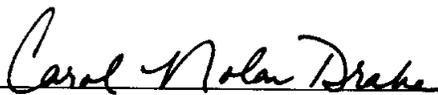
Before Chairman Drake, Chairman, Vice Chairman Gillmor, and Board Member Verich:  
February 13, 2003.

On December 5, 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) and (3) by placing the Charging Party on a performance plan, and by terminating him because he filed a grievance.

On January 23, 2003, the Charging Party filed an untimely request for reconsideration of the Board's decision. Ohio Administrative Code Rule 4117-1-04(E) allows for the filing of a motion for reconsideration "no later than forty-five days after the issuance of the Board's final ruling." Accordingly, the Board construes the Charging Party's request for reconsideration as a motion for reconsideration and denies the motion as untimely filed.

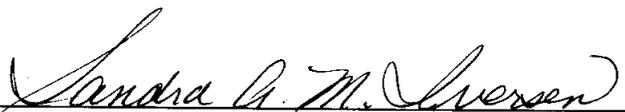
It is so directed.

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 24<sup>th</sup> day of

February, 2003.

  
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SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Chardon Education Association, OEA/NEA,

Charging Party,

v.

Chardon Local School District Board of Education,

Charged Party.

Case Number: 02-ULP-11-0757

DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

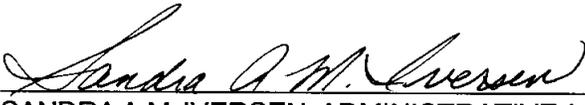
The Chardon Education Association, OEA/NEA has filed a withdrawal of the referenced unfair labor practice charge. The Board construes the withdrawal as a motion to withdraw and grants the motion with prejudice.

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 24<sup>th</sup> day of February, 2003.

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

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Eastwood Local School District Board of Education,

Charging Party,

v.

Eastwood Education Association, OEA/NEA, Fareal Gause, and Sherri Sheffler,

Charged Parties.

Case Number: 02-ULP-12-0785

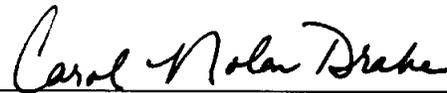
DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The Eastwood Local School District Board of Education 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.

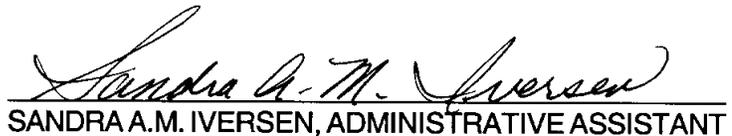
It is so directed.

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 24th day of February, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Eastwood Education Association, OEA/NEA,

Charging Party,

v.

Eastwood Local School District Board of Education,

Charged Party.

Case Number: 02-ULP-12-0822

DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The Eastwood 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 24th day of February, 2003.

  
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SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Shawnee Township Fire Fighters Association, Local 2550, IAFF,

Charging Party,

v.

Shawnee Township, Allen County,

Charged Party.

Case Number: 02-ULP-12-0796

DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

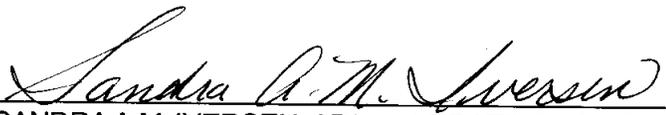
The Shawnee Township Fire Fighters Association, Local 2550, IAFF has filed a letter requesting withdrawal of the referenced unfair labor practice charge. The Board construes the letter as a motion to withdraw and grants the motion with prejudice.

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 24th day of February, 2003.

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

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Jefferson County Department of Job and Family Services,  
Charging Party,

v.

Communications Workers of America, Local 4527, AFL-CIO,  
Charged Party.

Case Number: 03-ULP-02-0051

DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The Jefferson County Department of Job and Family Services 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 14th day of February, 2003.

  
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SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

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

Charging Party,

v.

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

Charged Party.

Case Number: 02-ULP-11-0765

DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: February 13, 2003.

The Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO has filed a notice requesting withdrawal of the referenced unfair labor practice charge. The Board construes the notice 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 24<sup>th</sup> day of February, 2003.

  
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SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT