STATE EMPLOYMENT RELATIONS BOARD

STATE OF OHIO

MINUTES

The State Employment Relations Board met on Thursday, March 13, 2003, at 10:00 a.m., at 65 East State Street, Columbus. Present at the meeting were Chairman Drake, Vice Chairman Gillmor, and Board Member Verich.

I. APPROVAL OF MINUTES FOR PREVIOUS MEETING:

Vice Chairman Gillmor moved that the Minutes for the regular meeting on February 27, 2003, be approved. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

1. Board Member Verich moved that the Board close 105 Mediation cases beginning with Case 00-MED-02-0141 and ending with Case 02-MED-05-0568, not consecutively numbered. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

2. Cases 02-MED-08-0738 Ohio Patrolmen's Benevolent Association and City of Geneva
02-MED-08-0739

Vice Chairman Gillmor moved that the Board grant the fact-finder's request to adjust the fact-finder's recommendation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

3. Presentation by SERB Mediator Tom Worley - "World Learning - Projects in International Development and Training" - Request for Training Mediators from Croatia

Mr. Worley's presentation consisted of the following information:

> SERB has been asked by World Learning to submit a grant proposal for bringing six mediator candidates and interpreters to arrive in June 2003, for a 10-day training program under the direction of SERB's Bureau of Mediation. The trainees would shadow the mediation work of SERB's staff mediators. SERB will be awarded grant dollars for the staff time involved in this field experience training.
>
> SERB is the only agency that has been asked to submit a proposal. Should our proposal be accepted, the training plan will need to be finalized by March 14, 2003. Two-thirds of the grant money will be distributed to SERB one month prior to the actual training period. The balance will be received upon completion of the training program.
>
> Although there are no direct costs to SERB for conducting this training program, the grant dollars may permit the agency to acquire some training equipment that could assist in the planned training. The purchase of equipment is not required in order to conduct the training.

Some questions and issues addressed to Mr. Worley by the Board included: that the agency needs to research liability issues for any intended transportation of participants in agency cars. Chairman Drake suggested that General Counsel Russ Keith contact the Office of Risk Management for advice, also that Mr. Worley work with Mr. Keith and Ms. Danetta Babbs, SERB's Fiscal Specialist, on obtaining any other fiscal information needed for this proposal.

It is hoped that the agency could deposit the funds in its training rotary account or another account under SERB. If SERB is not permitted to accept the money, the training can still be conducted in that there are no direct expenses for providing the training. For the most part, the grant participants are just observing state mediators while they do their work.

Social activity expenses for the mediators and interpreters would come out of the visiting mediators' per diem expense monies. Social activities could include attending some sports activities, dinners with the SERB mediators at their homes, etc. The SERB mediators' expenses for entertaining would come out of their own personal funds since they will be on their own time and not SERB's. The SERB mediators have agreed with this and do not have a problem with this issue.

It is understood that the parties involved in the mediation would be contacted ahead of time to make sure they do not object to the Croatian mediators attending the mediation session. When the Croatian mediators are attending, interpreters could attend but not disrupt the session. Interpretations of the activities could be done during breaks, etc.

In conclusion of the presentation, Chairman Drake thanked SERB's Bureau of Mediation Administrator Dale Zimmer and Mediator Tom Worley for this presentation, and also thanked the other mediators for their hard work.

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 02-REP-11-0240 — Clearcreek Professional Firefighters, IAFF Local 4207 and Clearcreek Township, Warren County

2. Case 03-REP-01-0002 — Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and City of Jackson

Board Member Verich moved that the Board certify the Employee Organizations as the exclusive representatives of all employees in the relevant bargaining units. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

3. Case 03-REP-01-0007 — Ohio Patrolmen's Benevolent Association and Mercer County Sheriff

Vice Chairman Gillmor moved that the Board direct an election in the appropriate unit at a date, time, and place to be determined by the Representation Division in consultation with the parties. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

4. Cases 02-REP-12-0244, 02-REP-12-0245 — Fraternal Order of Police, Ohio Labor Council, Inc. and Hamilton Township Police Department, Warren County

5. Case 02-REP-12-0253 — Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Franklin County Board of Mental Retardation and Developmental Disabilities

6. Cases 02-REP-12-0254, 02-REP-12-0255, 02-REP-12-0256 — Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and Crawford County Sheriff

Board Member Verich moved that the Board approve the Consent Election Agreements and direct elections to be conducted on the dates as indicated. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye — GILLMOR Aye — VERICH Aye
Affirmed X — Denied ___

7. Case 02-REP-08-0155 — Communications Workers of America, Local 4320 and Licking County Commissioners

Vice Chairman Gillmor moved that the Board construe the Employee Organization's letter as a motion to withdraw the Petition for Amendment of Certification, grant the motion, and dismiss the petition without prejudice. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye — GILLMOR Aye — VERICH Aye
Affirmed X — Denied ___

8. Case 03-REP-02-0025 — Communications Workers of America, Local 4320 and Licking County Commissioners

9. Case 03-REP-02-0027 — Professional Association for the Teaching of the Mentally Retarded, OEA/NEA and Lake County Board of Mental Retardation and Developmental Disabilities

Board Member Verich moved that the Board approve the jointly filed petitions and amend the units accordingly. 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-REP-05-0084 — Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and City of Green

Vice Chairman Gillmor moved that the Board direct this case to hearing to determine an appropriate bargaining unit and for all other relevant issues, and direct the parties to mediation. 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-REP-07-0138 — Teamsters Local Union No. 377 and Trumbull County Commissioners

Board Member Verich moved that the Board dismiss without prejudice the Opt-in Request for Recognition because the Employee Organization has failed to confirm a change of circumstances or equitable considerations to support the inclusion. 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-REP-10-0201 — Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Richland County Child Support Enforcement Agency

- There were 34 ballots cast
- There were 0 challenged ballots
- No Representative received 10 votes
- Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO received 24 votes and has prevailed in this election.

13. Case 02-REP-09-0166 — Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and Gallia County Sheriff

- There were 17 ballots cast
- There were 0 challenged ballots
- No Representative received 0 votes
- Ohio Patrolmen's Benevolent Association received 8 votes
- Fraternal Order of Police, Ohio Labor Council, Inc. received 9 votes and has prevailed in this election.

14. Case 02-REP-09-0167 — Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and Gallia County Sheriff

- There were 4 ballots cast
- There were 0 challenged ballots
- No Representative received 0 votes
- Ohio Patrolmen's Benevolent Association received 1 vote
- Fraternal Order of Police, Ohio Labor Council, Inc. received 3 votes and has prevailed in this election.

15. Case 02-REP-09-0179 — Ohio Patrolmen's Benevolent Association and Rocky River Officers and City of Rocky River

- There were 7 ballots cast
- There were 0 challenged ballots
- No Representative received 0 votes
- Rocky River Officers received 0 votes
- Ohio Patrolmen's Benevolent Association received 7 votes and has prevailed in this election.

Vice Chairman Gillmor moved that the Board certify the above-cited election results and certify each prevailing employee organization as the exclusive representative of all employees in the relevant bargaining units. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye — GILLMOR Aye — VERICH Aye
Affirmed X — Denied ___

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Cases 98-ULP-11-0658 — SERB v. City of Norwood, Gary Hubbard, and Kevin Cross

99-ULP-01-0039 — SERB v. City of Norwood, Gary Hubbard, and Kevin Cross

Board Member Verich moved that the Board grant the Joint Motion to Stay Proceedings until the conclusion of the related civil proceeding pending in federal district court. 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-06-0409 — SERB v. Bainbridge Township Department of Police, Geauga County

Vice Chairman Gillmor moved that the Board grant the Joint Motion for Stay of Proceedings until the conclusion of the related civil proceeding pending in state common pleas court. 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-10-0688 — Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 391 v. New Philadelphia City School District Board of Education

4. Cases 02-ULP-10-0653, 02-ULP-10-0694 — Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 673 v. Southington Local School District Board of Education

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

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

7. Case 02-ULP-08-0520 — SERB v. Marlington Local School District Board of Education

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

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

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

9. Case 02-ULP-02-0095 SERB v. Oak Hills Local School District Board of Education

Vice Chairman Gillmor moved that the Board grant the motion for leave to file an amicas brief from the Buckeye State Sheriffs Association and the Ohio Public Employer Labor Relations Association; adopt the Findings of Fact and Conclusions of Law in the Proposed Order, finding that the Oak Hills Local School District Board of Education committed an unfair labor practice in violation of Ohio Revised Code Sections 4117.11(A)(1) and (A)(5); issue an order, with a Notice to Employees, to the Oak Hills Local School District Board of Education 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 refusing to bargain collectively with the Oak Hills Education Association, OEA/NEA, by unilaterally implementing a tuition reimbursement plan, and from otherwise violating Ohio Revised Code Sections 4117.11(A)(1) and (A)(5); and order the Oak Hills Local School District Board of Education to post for sixty days, in all the usual and normal posting locations where bargaining-unit employees represented by the Oak Hills Education Association, OEA/NEA work, the Notice to Employees furnished by the State Employment Relations Board and to notify the State Employment Relations Board in writing within twenty calendar days from the date the Order becomes final of the steps that have been taken to comply therewith. Board Member Verich seconded the motion. Chairman Drake made the following statement addressing the Motion for Leave to file the Amicus Brief and the filing of the Amicus Brief:

> The NLRB accepts briefs from interested amici. It can limit the briefing to a certain question. Intervener, Oak Hills Education Association, filed a Memorandum Contra to the filing of the Motion for Leave and Amicus Brief. In reaching the decision today, there may be people who wonder how the Board could reach this decision when the facts of this case are different than the Toledo case. Of course, every case has its own set of circumstances. I understand that this case does not concern an express provision of a current collective bargaining agreement, which was at issue in Toledo. While the facts in the case are different, the decision in my opinion is correct.

The negotiated collective bargaining agreement between the parties, negotiated and finalized just four months before the offer by the employer to amend the existing agreement, is the most powerful reason why the decision is correct. In her proposed order, the Administrative Law Judge (ALJ) indicated that the parties are not disputing that the issue of tuition reimbursement is a term and condition of employment and thus a mandatory subject of bargaining. The collective bargaining agreement (CBA) between the parties did not contain a provision relating to tuition reimbursement, and the ALJ, therefore, drew the conclusion that the proposed negotiations arose in the context of midterm bargaining.

The CBA did contain a provision covering the procedure for midterm bargaining so the parties could address amendments to the negotiated Agreement during its term.

Article II, Section 2.04, Subsection 2.0402 provides as follows:

> If either party wishes to amend this negotiated Agreement during its term, such parties shall notify the other party in writing of the specific detailed changes it wants.
>
> B. If the other party agrees to re-open the negotiations on the requested change(s), negotiations shall commence within fifteen (15) calendar days following a mutual agreement to re-open unless a later date is mutually agreeable.

Therefore, pursuant to the terms in the current CBA, the employer set forth the action required to commence negotiations on an amendment to the negotiated Agreement. The parties also understood by virtue of this language that one party may choose not to agree to re-open negotiations. This language bound both parties.

The employer now would like SERB to rule in its favor and circumvent the current CBA's language so it can implement a gratuitous benefit, a tuition reimbursement program. If the parties, as recently as four months prior to the offer by the employer to negotiate the terms of a tuition reimbursement provision in the CBA, did not agree to include tuition reimbursement in the new agreement, then SERB should not be placed in the position of writing the provision back in, even if the program appears to have merit. The Association, for whatever reason, has opted not to re-open negotiations as permitted by the CBA. Even under a "totality of the circumstances" test, the argument advanced by the employer would not prevail. This outcome preserves the parties' rights as negotiated in the CBA.

Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

10. Case 02-REP-01-0018 Q&A Employee Association of Springfield Local School District and Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 530 and Springfield Local School District Board of Education

Board Member Verich moved hat the Board adopt the Findings of Fact and Conclusions of Law in the Recommended Determination; deny the "Request for Judicial Estoppel" and "Motion to Strike Testimony at Hearing, Motion for Directed Verdict, Motion for Sanctions, Motion to Set Immediate Election Date, and Motion to Bar OAPSE from Collecting Union Dues Pursuant to Alleged Collective Bargaining Agreement"; and direct an election to conducted in the petitioned-for bargaining unit at a date, time, and place to be determined by the Labor Relations Section Administrator in consultation with the parties. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

11. Case 02-REP-04-0081 Ohio Patrolmen's Benevolent Association and City of Youngstown

Vice Chairman Gillmor moved that the Board adopt the Findings of Fact and Conclusions of Law in the Recommended Determination, finding that the Public Service Emergency Dispatch Technician Supervisor positions are "supervisors" within the meaning of Ohio Revised Code Section 4117.01(F) and are not "public employees" under Ohio Revised Code Section 4117.01(C), and dismiss with prejudice the Request for Recognition and Petition for Representation Election. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 03-ULP-01-0024 — Barry D. McGill v. Columbus City School District Board of Education

Board Member Verich moved that the Board dismiss the charge without prejudice due to the Charging Party's failure to provide a clear and concise statement of the facts constituting the alleged violation. 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-11-0756 — Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 671 v. Ridgewood Local School District Board of Education

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-10-0689 — Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 671 v. Ridgewood Local School District Board of Education

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 ___

4. Case 02-ULP-12-0825 — Ohio State Troopers Association, IUPA/AFL-CIO v. State of Ohio, Department of Public Safety, Highway Patrol

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 ___

5. Case 03-ULP-01-0011 — Marion County Board of Mental Retardation and Developmental Disabilities v. MARCA Education Association, OEA/NEA

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 ___

6. Case 02-ULP-10-0695 — Wellington Support Staff, Lori Whitney, and Colleen Wetherbee v. Wellington Exempted Village Board of Education and Sandy Westfall

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

Vote: DRAKE Aye — GILLMOR Aye — VERICH Aye
Affirmed X — Denied ___

7. Case 02-ULP-10-0693 — William J. Johnston v. Greater Dayton Regional Transit Authority

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 ___

8. Case 03-ULP-01-0019 — Mayfield Heights Local 1500, IAFF v. City of Mayfield Heights

Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party and deny the Charging Party's motion as moot. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye — GILLMOR Aye — VERICH Aye
Affirmed X — Denied ___

9. Case 02-ULP-11-0747 — Newton Falls Association of Classified Employees v. Newton Falls Exempted Village Board of Education

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 ___

10. Case 02-ULP-11-0748 — Newton Falls Association of Classified Employees, OEA/NEA v. Newton Falls Exempted Village Board of Education

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. Cases 02-ULP-12-0833 — Frank P. Madonia v. International Union of Operating Engineers, Local 18

02-ULP-12-0834 — Elgin Doss v. International Union of Operating Engineers, Local 18

02-ULP-12-0835 — Royce W. Robinson v. International Union of Operating Engineers, Local 18

02-ULP-12-0836 — William Leon Medlea v. International Union of Operating Engineers, Local 18

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| 02-ULP-12-0837 | Marcelino Maldonado v. International Union of Operating Engineers, Local 18 |
| 02-ULP-12-0838 | Marcelino Maldonado v. International Union of Operating Engineers, Local 18 |
| 02-ULP-12-0839 | Roman Dowhaniuk v. International Union of Operating Engineers, Local 18 |

Board Member Verich moved that the Board dismiss Cases 02-ULP-12-0833 and 02-ULP-12-0837 with prejudice for lack of probable cause to believe that unfair labor practices have been committed by the Charged Party, and in Cases 02-ULP-12-0834, 02-ULP-12-0835, 02-ULP-12-0836, 02-ULP-12-0838, and 02-ULP-12-0839, that the Board find probable cause to believe an unfair labor practice has been committed, consolidate the cases, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(B)(1) by threatening the Charging Parties with the loss of employment to restrain or coerce them in their right to form or join an employee organization of their own choosing, 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 ___

12. Case 02-ULP-10-0698 Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO v. Tri-County Regional Jail

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

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

13. Cases 03-ULP-01-0009 — Eastern Local School District Board of Education v. Eastern Local Classroom Teachers Association, OEA/NEA

03-ULP-01-0010 — Eastern Local School District Board of Education v. Eastern Local School Support Personnel Association, OEA/NEA

Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, consolidate the cases, authorizes the issuance of a complaint, refer the matter to hearing to determine if the Charged Parties violated Ohio Revised Code § 4117.11(B)(7) by picketing the place of private employment of School Board President Stephanie Knipp during a strike, 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 ___

14. Case 02-ULP-10-0691 — Ohio Patrolmen's Benevolent Association v. Cuyahoga County Sheriff

Vice Chairman Gillmor moved that the Board construe the letter as a motion to withdraw and grant the motion with prejudice. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye — GILLMOR Aye — VERICH Aye
Affirmed X — Denied ___

15. Case 03-ULP-01-0015 — Lori A. Lawson v. Mason City School District Board of Education

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 ___

16. Case 02-ULP-11-0737 — Newton Falls Classroom Teachers Association, OFT/AFT v. Newton Falls Exempted Village Schools

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 ___

17. Case 02-ULP-11-0775 — Newton Falls Exempted Village Board of Education v. Newton Falls Association of Classified Employees, OEA/NEA

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 ___

18. Case 02-ULP-10-0684 — National Conference of Firemen and Oilers, Local 777 v. Cleveland City School District

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), (5), and (6), by repeatedly failing to provide requested information related to pending grievances in a timely manner and repeatedly failing to respond to grievances, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye — GILLMOR Aye — VERICH Aye
Affirmed X — Denied ___

19. Case 02-ULP-11-0720 — Lima Education Association, OEA/NEA v. Lima 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 hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11 (A)(1) and (3), by reducing Donna Tucker's teaching schedule in retaliation for engaging in protected activities, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye — GILLMOR Aye — VERICH Aye
Affirmed X — Denied ___

20. Case 02-ULP-11-0776 — Newton Falls Association of Classified Employees, OEA/NEA v. Newton Falls Exempted Village Board of Education

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-12-0783 — Terri Pigg v. Newton Falls Exempted Village Board of Education

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 ___

22. Case 03-ULP-01-0016 — Lisa L. Hawkins-Alahmad v. Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO

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

Vote: DRAKE Aye — GILLMOR Aye — VERICH Aye
Affirmed X — Denied ___

23. Case 03-ULP-01-0001 — Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 7010 v. State of Ohio, Department of Rehabilitation and Correction, Mansfield Correctional Institution

24. Case 02-ULP-11-0735 — Carleton School/Meigs Industries Education Association v. Meigs County Board of Mental Retardation and Developmental Disabilities

25. Case 02-ULP-10-0660 — Stark County MR/DD Support Staff Association v. Stark County Board of Mental Retardation and Developmental Disabilities

26. Case 03-ULP-02-0061 — Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 261 v. Struthers City School District Board of Education

27. Case 02-ULP-11-0738 — Southeast Local District Teachers Association v. Southeast Local School District Board of Education

Board Member Verich moved that the Board construe the settlements requesting withdrawal as motions to withdraw, and grant all motions with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

VI. ADMINISTRATIVE MATTERS:

Vice Chairman Gillmor moved that the Board go into executive session, pursuant to Ohio Revised Code Section 1221.22(G)(1), to discuss the employment of public employees. Board Member Verich seconded the motion. Chairman Drake called for the roll-call vote.

ROLL-CALL VOTE: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

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

ROLL-CALL VOTE: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

VIII. ADJOURNMENT

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

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

Carol Nolan Drake

Carol Nolan Drake, Chairman

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Patrolmen's Benevolent Association,

Employee Organization,

and

City of Geneva,

Employer.

Case Numbers: 02-MED-08-0738✓
02-MED-08-0739

DIRECTIVE GRANTING FACT FINDER'S REQUEST TO ADJUST REPORT

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

Virginia Wallace-Curry (Fact Finder) requested authorization to adjust the fact-finding report for the Ohio Patrolmen's Benevolent Association (Employee Organization) and City of Geneva (Employer).

The request to adjust the fact-finding report is construed as a motion. The motion is granted pursuant to Ohio Administrative Code Rule 4117-9-05(L). The Fact Finder shall issue the adjusted report. The parties shall have seven days according to the statue and administrative rules to conduct a vote to accept or reject the report. Prior action if any on the initial report is voided.

It is so directed.

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

Carol Nolan Drake
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 20th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO**
**STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Clearcreek Professional Firefighters, IAFF Local 4207,

Employee Organization,

and

Clearcreek Township, Warren County,

Employer.

Case Number: 02-REP-11-0240

## CERTIFICATION PURSUANT TO REQUEST FOR RECOGNITION

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

The Clearcreek Professional Firefighters, IAFF Local 4207 (Employee Organization) filed a Request for Recognition seeking to become the exclusive representative of the following employees of the Clearcreek Township, Warren County (Employer):

Included: All full-time Firefighter/Paramedics.

Excluded: Chief of Department, Assistant Chief, Bureau Chief, all employees with the rank of Captain.

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

It is so directed.

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

Carol Nolan Drake

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 20th day of March, 2003.

Sandra A. M. Iversen
SANDRA A. M. IVERSEN
ADMINISTRATIVE SECRETARY

DAM/jm/59m/03-13b/#1

**STATE OF OHIO**
**STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Local 1176, International Association of Firefighters, AFL-CIO,

Employee Organization,

and

Boardman Township Trustees, Mahoning County,

Employer.

Case Number: 02-REP-01-0002

## DISMISSAL OF PETITION FOR AMENDMENT OF CERTIFICATION

Before Chairman Pohler, Vice Chairman Gillmor, and Board Member Verich: September 5, 2002.

Local 1176, International Association of Firefighters, AFL-CIO (Employee Organization) is the deemed certified representative of certain employees of the Boardman Township Trustees, Mahoning County (Employer). The Employer filed a Petition for Amendment of Certification seeking to exclude Assistant Chiefs from the existing bargaining unit. The Employee Organization has filed a position statement maintaining the Employer is seeking to sever employees from a deemed certified unit, and opposing the supervisory exclusion.

In 1989, the parties jointly filed a Petition for Amendment of Certification seeking to include the Board-certified unit of Assistant Chiefs into the deemed certified unit of Captains, Lieutenant Fire Prevention Officer, and Firefighters. The parties confirm the Board certified Assistant Chiefs were added to a larger unit which is deemed certified. While the 1989 Board directive contains minimal information, exclusive representatives remain deemed certified until challenged by another employee organization. Further, In re Groveport Madison Local School Dist Bd of Ed, SERB 98-011 (7-23-98) forbids unilateral changes to deemed certified units over the objections of the other party.

Therefore, the Board dismisses without prejudice the Petition for Amendment of Certification.

It is so directed.

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

Sue Pohler
SUE POHLER, CHAIRMAN

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, this 17th day of September, 2002.

Sally L. Barailloux
SALLY L. BARAILLOUX
EXECUTIVE SECRETARY

DAM/jm/59bd/09-05b/#10

**STATE OF OHIO**
**STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Ohio Patrolmen's Benevolent Association,

Employee Organization,

and

Mercer County Sheriff,

Employer.

Case Number: 03-REP-01-0007

## DIRECTION TO ELECTION

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

The Ohio Patrolmen's Benevolent Association (Employee Organization) filed a Request for Recognition seeking to represent certain employees of the Mercer County Sheriff (Employer). The Employer responded by filing a Certificate of Posting, Notice to Employees, and objections asserting the employees in question do not wish to be represented by the Employee Organization. The Board also received substantial evidence as defined by Ohio Administrative Code 4117-3-03 demonstrating a majority of the employees in the proposed unit do not wish to be represented by the Employee Organization.

The objections are timely filed. Pursuant to Ohio Administrative Code 4117-3-02(A)(2), the Board shall not certify the Employee Organization as the exclusive representative if objections are received.

The Board directs that an election be conducted in this appropriate unit:

Included: All Deputy Sheriffs including all performing road patrol, corrections, and detectives functions.

Excluded: All others.

The election shall be held at a date, time, and place to be determined by the Representation Division in consultation with the parties. No later than March 23, 2003, the Employer shall serve on the Employee Organization and file with the Board a numbered, alphabetized election eligibility list setting forth the names and home addresses of all employees eligible to vote as of March 13, 2003.

It is so directed.

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

Carol Nolan Drake
CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon the representative of each party by certified mail, return receipt requested, this 13th day of March, 2003.

Sandra A. M. Inversen
SANDRA A. M. INVERSEN
ADMINISTRATIVE ASSISTANT

DAM/jm/59/03-13b/#3

**STATE OF OHIO**
**STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

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

Employee Organization,

and

Hamilton Township Police Department, Warren County,

Employer.

Case Numbers: 02-REP-12-0244 and 02-REP-12-0245

## DIRECTION TO ELECTIONS PURSUANT TO CONSENT ELECTION AGREEMENT

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 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 representation elections be conducted in accordance with the terms of the consent agreement or *at a date, time and place to be determined by the Representation Division in consultation with the parties.*

As required by Ohio Administrative Code Rule 4117-5-07(A), no later than March 23, 2003, the Hamilton Township Police Department, Warren County shall serve on the Fraternal Order of Police, Ohio Labor Council, Inc. and shall file with the Board a separate numbered, alphabetized election eligibility list for each bargaining unit containing the names and home addresses of all employees eligible to vote as of February 14, 2003.

The election shall be held on April 15, 2003.

It is so directed.

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

Carol Nolan Drake

CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon the representative of each party by certified mail, return receipt requested, this 13th day of March, 2003.

Sandra A. M. Iversen
SANDRA A. M. IVERSEN
ADMINISTRATIVE ASSISTANT

DAM/jm/59/03-13b/#4

**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

Franklin County Board of Mental Retardation and Developmental Disabilities,

Employer.

Case Number: 02-REP-12-0253

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

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 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 March 23, 2003, the Franklin County Board of Mental Retardation and Developmental Disabilities shall serve on the Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and shall file with the Board a numbered, alphabetized election eligibility list containing the names and home addresses of all employees eligible to vote as of February 11, 2003.

The election shall be held on April 8, 2003.

It is so directed.

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

Carol Nolan Drake

CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon the representative of each party by certified mail, return receipt requested, this 13th day of March, 2003.

Sandra A. M. Iversen
SANDRA A. M. IVERSEN
ADMINISTRATIVE SECRETARY

DAM/jm/59b/03-13b/#5

**STATE OF OHIO**
**STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Ohio Patrolmen's Benevolent Association,

Rival Employee Organization,

and

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

Incumbent Employee Organization,

and

Crawford County Sheriff,

Employer.

Case Numbers: 02-REP-12-0254
02-REP-12-0255
02-REP-12-0256

## DIRECTION TO ELECTIONS PURSUANT TO CONSENT ELECTION AGREEMENT

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 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 representation elections be conducted in accordance with the terms of the consent agreement or *at a date, time and place to be determined by the Representation Division in consultation with the parties.*

As required by Ohio Administrative Code Rule 4117-5-07(A), no later than March 23, 2003, the Crawford County Sheriff shall serve on the Ohio Patrolmen's Benevolent Association and the Fraternal Order of Police, Ohio Labor Council, Inc. and shall file with the Board a separate numbered, alphabetized election eligibility list for each bargaining unit containing the names and home addresses of all employees eligible to vote as of February 11, 2003.

The election shall be held on April 4, 2003.

It is so directed.

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

Carol Nolan Drake
CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon the representative of each party by certified mail, return receipt requested, this 13th day of March, 2003.

Sandra A. M. Iversen
SANDRA A. M. IVERSEN
ADMINISTRATIVE ASSISTANT

DAM/jm/59/03-13b/#6

**STATE OF OHIO**
**STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Communications Workers of America, Local 4320,

Employee Organization,

and

Licking County Board of County Commissioners,

Employer.

Case Number: 02-REP-08-0155

**DIRECTIVE GRANTING MOTION TO WITHDRAW**

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

The Communications Workers of America, Local 4320 (Employee Organization) is the Board-certified exclusive representative of certain employees of the Licking County Board of County Commissioners (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 for Amendment of Certification, grants the motion and dismisses the petition without prejudice.

It is so directed.

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

Carol Nolan Drake

CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon the representative of each party by certified mail, return receipt requested, this 20th day of March, 2003.

Sandra A. M. Iversen
SANDRA A. M. IVERSEN
ADMINISTRATIVE SECRETARY

DAM/jm/59w/03-13b/#7

**STATE OF OHIO**
**STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Communications Workers of America, Local 4320,

Employee Organization,

and

Licking County Board of County Commissioners,

Employer.

Case Number: 03-REP-02-0025

## AMENDMENT OF CERTIFICATION

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

Communications Workers of America, Local 4320 (Employee Organization) is the Board-certified exclusive representative of certain employees of the Licking County Board of County Commissioners (Employer). The Employee Organization and the Employer jointly filed a Petition for Amendment of Certification seeking to amend the certification to include Data Base Technician in the existing unit. The Board approves the petition and amends the unit, which is now described as follows:

Included: All Full-time and Part-time Dispatchers and Data Base Technicians.

Excluded: All management, supervisory, confidential, seasonal and casual employees and all others exempted from bargaining pursuant to Ohio Revised Code 4117.

It is so directed.

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

Carol Nolan Drake

CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, this 20th day of March, 2003.

Sandra A. M. Iversen
SANDRA A. M. IVERSEN
ADMINISTRATIVE SECRETARY

DAM/jm/59l/03-13b/#8

**STATE OF OHIO**
**STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Professional Association for the Teaching of the Mentally Retarded/OEA/NEA,

Employee Organization,

and

Lake County Board of Mental Retardation and Developmental Disabilities,

Employer.

Case Number: 03-REP-02-0027

## AMENDMENT OF CERTIFICATION

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

The Professional Association for the Teaching of the Mentally Retarded/OEA/NEA (Employee Organization) is the Board-certified exclusive representative of certain employees of the Lake County Board of Mental Retardation and Developmental Disabilities (Employer). The Employee Organization and the Employer jointly filed a Petition for Amendment of Certification seeking to amend the certification per House Bill 94, to create a separate bargaining unit for Service and Support Administrators. The Board approves the petition and amends the bargaining unit, creating two separate units which are described as follows:

**Unit One**

Included: All certificated and non-certificated employees of the Lake County Board of Mental Retardation and Developmental Disabilities engaged in client services; and all full-time and regular part-time, noncertificated employees of the Lake County Board of Mental Retardation and Developmental Disabilities engaged as custodial workers, secretarial/clerical, food service, equipment operator and maintenance repair employees, bus drivers, bus attendants, mechanics, mechanic helpers and similar type employees; and all part-time employees who are regularly scheduled to work sixty (60) hours or less in a bi-weekly pay period, including but not limited to Registered Nurses, Residence Workers, and Social Workers.

Excluded: All employees engaged in client services who are employed on a casual, day-to-day basis for the purpose of filling temporary staffing needs; all supervisory, management level, confidential, seasonal and casual employees as defined in Ohio Revised Code Chapter 4117; Investigative Agent I and II; Quality Assurance Manager; Service and Support Administrators; and employees in the following positions: payroll coordinator, payroll clerk, personnel analyst, sheltered industries business office supervisor, LCBMR/DD business office supervisor, computer program analyst and Secretary to the Director of Human Resources, Secretary to the Director of Operations, Secretary to the Director of Adult Services, Secretary to the Principal of Broadmoor School, Secretary to the Director of Community Services Development, Secretary to the Assistant Superintendent, and Secretary to the Superintendent.

**Unit Two**

Included: All Service and Support Administrators (SSA).

Excluded: All employees engaged in client services who are employed on a casual, day-to-day basis for the purpose of filling temporary staffing needs; all supervisory, management level, confidential, seasonal and casual employees as defined in Ohio Revised Code Chapter 4117; Investigative Agent I and II; Quality Assurance Manager; and employees in the following positions: payroll coordinator, payroll clerk, personnel analyst, sheltered industries business office supervisor, LCBMR/DD business office supervisor, computer program analyst and Secretary to the Director of Human Resources, Secretary to the Director of Operations, Secretary to the Director of Adult Services, Secretary to the Principal of Broadmoor School, Secretary to the Director of Community Services Development, Secretary to the Assistant Superintendent, and Secretary to the Superintendent; all certificated and non-certificated employees of the Lake County Board of Mental Retardation and Developmental Disabilities engaged in client services except Service and Support Administrators; and all full-time and regular part-time, non-certificated employees of the Lake County Board of Mental Retardation and Developmental Disabilities engaged as custodial workers, secretarial/clerical, food service, equipment operator and maintenance repair employees, bus drivers, bus attendants, mechanics, mechanic helpers and similar type employees; and all part-time employees who are regularly scheduled to work sixty (60) hours or less in a bi-weekly pay period, including but not limited to Registered Nurses, Residence Workers, and Social Workers.

It is so directed.

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

Carol Nolan Drake
CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, this 20th day of March, 2003.

Sandra A. M. Iversen
SANDRA A. M. IVERSEN
ADMINISTRATIVE ASSISTANT

DAM/jm/59/

**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 Green,

Employer.

Case Number: 02-REP-05-0084

## DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 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 Green (Employer). The Employer filed a Petition for Amendment of Certification seeking to amend the existing unit to exclude the newly created position of Parks and Recreation Coordinator from the existing unit. The Employee Organization filed a position statement opposing the amendment. The Employer maintains the employee in question should be excluded from the existing unit because he supervises other public employees. Several conference calls have been conducted. The parties dispute remains. A mediation conference is scheduled for March 18, 2003.

The Board directs this case to hearing to determine an appropriate bargaining unit and for all other relevant issues, and directs the parties to mediation.

It is so directed.

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

Carol Nolan Drake

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, this 13th day of March, 2003.

Sandra A. M. Iversen
SANDRA A. M. IVERSEN
ADMINISTRATIVE ASSISTANT

DAM/jm/59hearing/03-13b/#10

**STATE OF OHIO**
**STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Teamsters Local Union No. 377,

Employee Organization,

and

Trumbull County Commissioners,

Employer.

Case Number: 02-REP-07-0138

## DISMISSAL OF OPT-IN REQUEST FOR RECOGNITION

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

Teamsters Local Union No. 377 (Employee Organization) filed an Opt-In Request for Recognition seeking to represent certain employees of the Trumbull County Commissioners (Employer), and to add them to an existing unit. The Employer responded by filing objections, maintaining the proposed unit is inappropriate because the employees in question do not work ten or more hours per week. The Employer has provided information confirming that hours worked by the employees in question are less than ten per week. The Employee Organization has not responded to the Employer's objections.

The existing bargaining unit was certified as a result of a Board directed election pursuant to a Consent Election Agreement. *In re Cincinnati Technical College*, SERB 94-018 (10-17-94) the Board held that it would not allow a change in the bargaining unit description over the objections of the other party where the unit's description originated in a consent election agreement, unless the requesting party demonstrates a substantial change in the factual underpinnings has occurred or equitable considerations exist. Teamsters Local Union No. 377 has not confirmed changed circumstances or equitable considerations supporting inclusion.

The Board dismisses without prejudice the Opt-in Request for Recognition, because the Employee Organization has failed to confirm a change of circumstances or equitable considerations to support the inclusion.

It is so directed.

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

Carol Nolan Drake

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 20th day of March, 2003.

Sandra A. M. Iversen

SANDRA A. M. IVERSEN
ADMINISTRATIVE ASSISTANT

DAM/jm/59bd/03-13B/#11

**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

Richland County Child Support Enforcement Agency,

Employer.

Case Number: 02-REP-10-0201

## CERTIFICATION OF ELECTION RESULTS AND OF EXCLUSIVE REPRESENTATIVE

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

Pursuant to Ohio Revised Code § 4117.07(C), the Board conducted a secret ballot election on February 5, 2003, for employees of Richland County Child Support Enforcement Agency (Employer) in this appropriate unit:

Included: All non-professional employees of the Richland County Child Support Enforcement Agency.

Excluded: All management-level, supervisory, confidential and professional employees as defined in the Act, including: Director, Deputy Director, Executive Secretary; Legal/Enforcement Supervisor; Customer Services Call Center/Data and Performance Management; Client Services Manager; Automation Manager; Collection/Building Operations/Purchasing Manager; Automation Specialsit/Bookkeeper; Secretary; Chief Staff Attorney and Staff Attorney.

The results of the election are: thirty-four (34) ballots were cast; twenty-four (24) votes were for Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO; and ten (10) votes were for "No Representative."

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

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 20th day of MARCH, 2003.

Sandra A. M. Iversen

SANDRA A. M. IVERSEN
ADMINISTRATIVE ASSISTANT

DAM/jm/59r/03-13B/#12

**STATE OF OHIO**
**STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Ohio Patrolmen's Benevolent Association,

Rival Employee Organization,

and

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

Incumbent Employee Organization,

and

Gallia County Sheriff,

Employer.

Case Number: 02-REP-09-0166

## CERTIFICATION OF ELECTION RESULTS AND OF EXCLUSIVE REPRESENTATIVE

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

Pursuant to Ohio Revised Code § 4117.07(C), the Board conducted a secret ballot election on February 6, 2003, for employees of Gallia County Sheriff (Employer) in this appropriate unit:

Included: All Full-time Sheriff's Deputies including Investigators, Corrections, and Road Patrol.

Excluded: All others.

The results of the election are: seventeen (17) ballots were cast; eight (8) votes were for the Ohio Patrolmen's Benevolent Association; and nine (9) votes were for the Fraternal Order of Police, Ohio Labor Council, Inc.; and zero (0) votes were for "No Representative."

The Fraternal Order of Police, Ohio Labor Council, Inc. 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
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 20th day of March, 2003.

Sandra A. M. Iversen
SANDRA A. M. IVERSEN
ADMINISTRATIVE ASSISTANT

DAM/jm/59r/03-13b/#13

**STATE OF OHIO**
**STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Ohio Patrolmen's Benevolent Association,

Rival Employee Organization,

and

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

Incumbent Employee Organization,

and

Gallia County Sheriff,

Employer.

Case Number: 02-REP-09-0167

## CERTIFICATION OF ELECTION RESULTS AND OF EXCLUSIVE REPRESENTATIVE

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

Pursuant to Ohio Revised Code § 4117.07(C), the Board conducted a secret ballot election on February 6, 2003, for employees of Gallia County Sheriff (Employer) in this appropriate unit:

Included: All Full-time Sergeants.

Excluded: All others.

The results of the election are: four (4) ballots were cast; one (1) vote was for the Ohio Patrolmen's Benevolent Association; and three (3) votes were for the Fraternal Order of Police, Ohio Labor Council, Inc.; and zero (0) votes were for "No Representative."

The Fraternal Order of Police, Ohio Labor Council, Inc. 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
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 20th day of March, 2003.

Sandra A. M. Iversen
SANDRA A. M. IVERSEN
ADMINISTRATIVE ASSISTANT

DAM/jm/59r/03-13b/#14

**STATE OF OHIO**
**STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Ohio Patrolmen's Benevolent Association,

Rival Employee Organization,

and

Rocky River Officers,

Incumbent Employee Organization,

and

City of Rocky River,

Employer.

Case Number: 02-REP-09-0179

## CERTIFICATION OF ELECTION RESULTS AND OF EXCLUSIVE REPRESENTATIVE

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

Pursuant to Ohio Revised Code § 4117.07(C), the Board conducted a secret ballot election on February 13, 2003, for employees of City of Rocky River (Employer) in this appropriate unit:

Included: All Sergeants and Lieutenants working for the Rocky River Police Department.

Excluded: All others.

The results of the election are: seven (7) ballots were cast; seven (7) votes were for the Ohio Patrolmen's Benevolent Association; and zero (0) votes were for the Rocky River Officers; and zero (0) votes were for "No Representative."

The Ohio Patrolmen's Benevolent Association 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
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 20th day of March, 2003.

Sandra A. M. Iversen
SANDRA A. M. IVERSEN
ADMINISTRATIVE ASSISTANT

DAM/jm/59r/03-13b/#15

# STATE OF OHIO
# STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

State Employment Relations Board,

Complainant,

v.

City of Norwood, Gary Hubbard, and Kevin Cross,

Respondents.

**Case Nos. 1998-ULP-11-0658 & 1999-ULP-01-0039**

**DIRECTIVE GRANTING JOINT MOTION TO STAY PROCEEDINGS**

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

Dennis J. Cook filed two unfair labor practice charges, Case Nos. 1998-ULP-11-0658 and 1999-ULP-01-0039, against the City of Norwood, Gary Hubbard, and Kevin Cross. On November 26, 2002, the State Employment Relations Board ("Complainant" or "Board") consolidated those cases, re-authorized the issuance of a complaint in Case No. 1999-ULP-01-0039, referred the matter to hearing to determine whether the Respondents had committed or were committing unfair labor practices in violation of O.R.C. §§ 4117.11(A)(1), (A)(2), (A)(3), and (A)(4), and directed the parties to unfair labor practice mediation.

On February 27, 2003, the parties filed a Joint Motion To Stay Proceedings. In the motion, the parties requested that the hearing in this matter be stayed until after the trial in the related federal court case of *Cook v. Norwood, et al.*, pending in the United States District Court, Southern District of Ohio. The parties will not be prejudiced by the delay.

The Joint Motion To Stay Proceedings is hereby granted until the conclusion of the related civil proceeding pending in federal district court.

It is so ordered.

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

Carol Nolan Drake

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 25th day of March, 2003.

Sandra A. M. Iversen

SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

direct\03-13-03.01

# STATE OF OHIO
# STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

State Employment Relations Board,

Complainant,

v.

Bainbridge Township Department of Police, Geauga County,

Respondent.

**Case No. 2002-ULP-06-0409**

## DIRECTIVE GRANTING JOINT MOTION FOR STAY OF PROCEEDINGS

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

On June 10, 2002, Todd J. Mitchell filed an unfair labor practice charge against the Bainbridge Township Department of Police, Geauga County ("Respondent"). On October 10, 2002, the Board found probable cause to believe that an unfair labor practice had occurred, authorized the issuance of a complaint, referred the matter to hearing to determine whether the Respondent had committed or were committing unfair labor practices in violation of O.R.C. §§ 4117.11(A)(1), (A)(2), and (A)(3), and directed the parties to unfair labor practice mediation.

On February 21, 2003, the parties filed a Joint Motion For Stay Of Proceedings. In the motion, the parties requested that the hearing in this matter be stayed until after the trial in the related state court case of *Todd Mitchell v. Bainbridge Township* pending in the Geauga County Court of Common Pleas. The parties will not be prejudiced by the delay.

The Joint Motion For Stay Of Proceedings is hereby granted until the conclusion of the related civil proceeding pending in state common pleas court.

It is so ordered.

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

Carol Nolan Drake

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 25th day of March, 2003.

Sandra A.M. Iversen

SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

direct\03-13-03.02

# STATE OF OHIO
# STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

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

Charging Party,

v.

New Philadelphia City School District Board of Education,

Charged Party.

**Case No. 2002-ULP-10-0688**

## DIRECTIVE GRANTING MOTION TO WITHDRAW

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

On October 22, 2002, the Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and its Local 391 ("Charging Party") filed an unfair labor practice charge against the New Philadelphia City School District Board of Education. On January 30, 2003, the State Employment Relations Board ("Board") found probable cause to believe that an unfair labor practice had occurred, authorized the issuance of a complaint, directed the matter to hearing, and directed the parties to unfair labor practice mediation.

On February 21, 2003, the parties filed a settlement agreement that resolved the underlying dispute. In the settlement, the parties requested the Board to construe the agreement as a motion by the Charging Party to withdraw the unfair labor practice charge.

The settlement agreement is approved and adopted, the settlement agreement is construed as a motion to withdraw by the Charging Party, 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

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 25th day of March, 2003.

Sandra A.M. Iversen

SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

direct\03-13-03.03

# STATE OF OHIO
# STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

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

Charging Party,

v.

Southington Local School District Board of Education,

Charged Party.

**Case Nos. 2002-ULP-10-0653 & 2002-ULP-10-0694**

## DIRECTIVE GRANTING MOTION TO WITHDRAW

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

On October 7 and 24, 2002, the Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and its Local 693 ("Charging Party") filed an unfair labor practice charge against the Southington Local School District Board of Education. On January 30, 2003, the State Employment Relations Board ("Board") found probable cause to believe that an unfair labor practice had occurred, authorized the issuance of a complaint, directed the matter to hearing, and directed the parties to unfair labor practice mediation.

On February 26, 2003, the parties filed a settlement agreement that resolved the underlying dispute. In the settlement, the parties requested the Board to construe the agreement as a motion to withdraw the unfair labor practice charges.

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

It is so ordered.

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

Carol Nolan Drake

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 25th day of March, 2003.

Sandra A.M. Iversen

SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

direct\03-13-03.04

# 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 Public Safety,

Charged Party.

**Case No. 2002-ULP-09-0586**

## DIRECTIVE GRANTING MOTION TO WITHDRAW

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

On September 4, 2002, 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 Public Safety. On January 30, 2003, the State Employment Relations Board ("Board") found probable cause to believe that an unfair labor practice had occurred, authorized the issuance of a complaint, directed the matter to hearing, and directed the parties to unfair labor practice mediation.

On February 26, 2003, the parties filed a settlement agreement that resolved the underlying dispute. In the settlement, the parties requested the Board to construe the agreement as a motion by the Charging Party to withdraw the unfair labor practice charge.

The settlement agreement is approved and adopted, the settlement agreement is construed as a motion to withdraw by the Charging Party, 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

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 25th day of March, 2003.

Sandra A.M. Iversen

SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

direct\03-13-03.05

# STATE OF OHIO
# STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Canton Police Patrolmen's Association,

Charging Party,

v.

City of Canton,

Charged Party.

**Case No. 2002-ULP-09-0603**

## DIRECTIVE GRANTING MOTION TO WITHDRAW

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

On September 10, 2002, the Canton Police Patrolmen's Association ("Charging Party") filed an unfair labor practice charge against the City of Canton. On January 30, 2003, the State Employment Relations Board ("Board") found probable cause to believe that an unfair labor practice had occurred, authorized the issuance of a complaint, directed the matter to hearing, and directed the parties to unfair labor practice mediation.

On February 27, 2003, the parties filed a settlement agreement that resolved the underlying dispute. In the settlement, the parties requested the Board to construe the agreement as a motion by the Charging Party to withdraw the unfair labor practice charge.

The settlement agreement is approved and adopted, the settlement agreement is construed as a motion to withdraw by the Charging Party, 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

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 25th day of March, 2003.

Sandra A.M. Iversen

SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

direct\03-13-03.06

# STATE OF OHIO
# STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

State Employment Relations Board,

Complainant,

v.

Marlington Local School District Board of Education,

Respondent.

**Case No. 2002-ULP-08-0520**

**DIRECTIVE GRANTING MOTIONS TO WITHDRAW AND DISMISS**

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

On August 1, 2002, the Marlington Educators' Association, OEA/NEA ("Charging Party") filed an unfair labor practice charge against the Marlington Local School District Board of Education ("Respondent"). On November 7, 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 29, 2003, the parties filed a settlement agreement that resolved the underlying issues. In the settlement, the parties requested that the Board construe the settlement agreement as a motion by the Charging Party to withdraw the unfair labor practice charge with prejudice. On March 5, 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 withdraw, the motions to withdraw and 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

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 25th day of March, 2003.

Sandra A.M. Iversen

SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

direct\03-13-03.07

# STATE OF OHIO
# STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Patrolmen's Benevolent Association,

Charging Party,

v.

City of Warren,

Charged Party.

**Case No. 2002-ULP-10-0662**

## DIRECTIVE GRANTING MOTION TO DISMISS

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

On October 9, 2002, the Ohio Patrolmen's Benevolence Association ("Charging Party") filed an unfair labor practice charge against the City of Warren. On January 30, 2003, the State Employment Relations Board ("Board") found probable cause to believe that an unfair labor practice had occurred, authorized the issuance of a complaint, directed the matter to hearing, and directed the parties to unfair labor practice mediation.

On February 24, 2003, the parties filed a settlement agreement that resolved the underlying dispute. In the settlement, the parties requested the Board to construe the agreement as a motion by the Charging Party to dismiss the unfair labor practice charge.

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

It is so ordered.

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

Carol Nolan Drake

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 20th day of March, 2003.

Sandra A.M. Iversen

SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

direct\03-13-03.08

# STATE OF OHIO
# STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

State Employment Relations Board,

Complainant,

v.

Oak Hills Local School District Board of Education,

Respondent.

**Case No. 2002-ULP-02-0095**

**ORDER**

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

On February 12, 2002, the Oak Hills Education Association, OEA/NEA ("Union") filed an unfair labor practice charge against the Oak Hills Local School District Board of Education ("Respondent"), alleging that the Respondent violated Ohio Revised Code Sections 4117.11(A)(1) and (A)(5). On May 9, 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 unilaterally implementing a tuition reimbursement plan.

On June 6, 2002, a complaint was issued. On July 3, 2002, the Respondent filed its answer to the complaint. The parties agreed to submit the case for determination on joint stipulations, briefs, and exhibits in lieu of an evidentiary hearing. On September 17, 2002, the Administrative Law Judge issued a Proposed Order. On October 4, 2002, the Respondent filed exceptions to the Proposed Order. On October 16, 2002, the Complainant and the Union filed their responses to the Respondent's exceptions.

On December 2, 2002, the Buckeye State Sheriffs' Association and the Ohio Public Employer Labor Relations Association filed a Motion for Leave to File Amicus Brief. The two entities also filed their amicus brief on that day. On December 4, 2002, the Union filed a memorandum contra the motion. The Board hereby grants the motion for leave to file an amicus brief.

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 unilaterally implemented a tuition reimbursement plan. The Oak Hills Local 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 by unilaterally implementing a tuition reimbursement plan, and from otherwise violating Ohio Revised Code Section 4117.11(A)(1); and

2. Refusing to bargain collectively with the exclusive representative of a bargaining unit by unilaterally implementing a tuition reimbursement plan, 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 Oak Hills 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
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 25th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

directives\03-13-03.09

# STATE OF OHIO
# STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Q&A Employee Association of Springfield Local School District,

Rival Employee Organization,

and

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

Incumbent Employee Organization,

and

Springfield Local School District Board of Education,

Employer.

**Case No. 2002-REP-01-0018**

**DIRECTION TO ELECTION**

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

On March 14, 2002, Q&A Employees Association of Springfield Local School District ("Petitioner") filed an amended Petition for Representation Election ("Petition") seeking to represent bus drivers, monitors, and mechanics employed by Springfield Local School District Board of Education ("Employer"). The Petition named the Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and its Local 530 ("OAPSE") as the Incumbent Employee Organization. On May 9, 2002, the State Employment Relations Board ("SERB") directed this matter to hearing to determine an appropriate bargaining unit and for all other relevant issues.

On June 21, 2002, Petitioner filed a "Request for Judicial Estoppel." A hearing was held on July 8, 2002, wherein the employee organizations presented testimonial and documentary evidence. On July 11, 2002, the Petitioner filed a "Motion to Strike Testimony at Hearing, Motion for Directed Verdict, Motion for Sanctions, Motion to Set Immediate Election Date, and Motion to Bar OAPSE from Collecting Union Dues Pursuant to Alleged Collective Bargaining Agreement." On September 16, 2002, the Administrative Law Judge issued a Recommended Determination, proposing that the Board find that the Petition is sufficiently supported and that an election should be conducted. On September 30, 2002, OAPSE filed objections to the Recommended Determination. On October 10, 2002, the Petitioner filed a response to OAPSE's exceptions. On October 17, 2002, OAPSE filed a motion for leave to file a reply brief to the Petitioner's response. On November 18, 2002, the Administrative Law Judge granted the motion for leave. On November 25, 2002, OAPSE filed its reply to the Petitioner's response.

The Board denies the "Request for Judicial Estoppel" and "Motion to Strike Testimony at Hearing, Motion for Directed Verdict, Motion for Sanctions, Motion to Set Immediate Election Date, and Motion to Bar OAPSE from Collecting Union Dues Pursuant to Alleged Collective Bargaining Agreement." After reviewing the record, all filings, and the Recommended Determination, the Board adopts the Findings of Fact and Conclusions of Law in the Recommended Determination and directs that an election is to be conducted in the appropriate bargaining unit at a date, time, and place established by the Labor Relations Section Administrator in consultation with the parties.

The bargaining unit is hereby described as follows:

Included:
All school bus drivers, monitors, and mechanics of the Springfield Local School District.

Excluded:
All other unorganized employees and those excluded per Ohio Revised Code Section 4117.01(C)(1)-(19).

As required by Ohio Administrative Code Rule 4117-5-07(A), no later than April 3, 2003, the Springfield Local School District Board of Education shall serve on both of the employee organizations 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 the pay period ending immediately prior to March 13, 2003.

It is so ordered.

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

Carol Nolan Drake
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 25th day of March, 2003.

Sandra A. M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

direct\03-13-03.10

# STATE OF OHIO
# STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio Patrolmen's Benevolent Association,

Employee Organization,

and

City of Youngstown,

Employer.

**Case No. 2002-REP-04-0081**

## DIRECTIVE DISMISSING REQUEST FOR RECOGNITION

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

On April 5, 2002, the Ohio Patrolmen's Benevolent Association ("Union") filed a Request for Recognition seeking to represent certain employees of the City of Youngstown ("Employer"). On May 8, 2002, the Union filed an Amended Request for Recognition. On May 29, 2002, the Employer filed an objection to the Request for Recognition and a Petition for Representation Election, arguing that all employees in the proposed unit are supervisors pursuant to Ohio Revised Code Section 4117.01(F). On August 15, 2002, the State Employment Relations Board ("SERB") directed the matter to hearing to determine an appropriate bargaining unit and for all other relevant issues.

A hearing was conducted on October 2, 2002. On December 17, 2002, the Administrative Law Judge issued the Recommended Determination. On December 30, 2002, the Union filed exceptions to the Recommended Determination. On January 23, 2003, the Employer filed a response to the Union's 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 the Public Service Emergency Dispatch Technician 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 the Petition for Representation Election.

It is so ordered.

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

Carol Nolan Drake

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 25th day of March, 2003.

Sandra A.M. Iversen

SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

direct\03-13-03.11

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Barry D. McGill,

Charging Party,

v.

Columbus City School District Board of Education,

Charged Party.

Case Number: 03-ULP-01-0024

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

Barry D. McGill (Charging Party) filed an unfair labor practice charge against the Columbus City School District Board of Education (Charged Party). The charge sets forth no facts relating to the alleged violation. Ohio Administrative Code Rule 4117-7-01(B) requires that a charge provide a clear and concise statement of the facts constituting the alleged violation. Therefore, the charge is deficient on its face and is dismissed without prejudice.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen

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 671,

Charging Parties,

v.

Ridgewood Local School District Board of Education,

Charged Party.

Case Number: 02-ULP-11-0756

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

The Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and its Local 671 (Charging Parties) filed an unfair labor practice charge against the Ridgewood Local School District Board of Education (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (6) by refusing to meet with employees trying to file grievances and refusing to allow the Superintendent's secretary to sign for the grievances.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the grievances were processed timely. Additionally, the information provided failed to support the allegations. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
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 671,

Charging Parties,

v.

Ridgewood Local School District Board of Education,

Charged Party.

Case Number: 02-ULP-10-0689

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

The Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and its Local 671 (Charging Parties) filed an unfair labor practice charge against the Ridgewood Local School District Board of Education (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by eliminating Johanna Mizer's kindergarten bus route, and denying her request for unrestricted personal leave because she filed grievances.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals Ms. Mizer's route was eliminated for efficiency reasons, and her leave was denied pursuant to the Charged Party's interpretation of the contract. Additionally, the Charged Party's actions were for reasons unrelated to Ms. Mizer's exercise of guaranteed rights. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Ohio State Troopers Association, IUPA/AFL-CIO,

Charging Party,

v.

State of Ohio, Department of Public Safety, Highway Patrol,

Charged Party.

Case Number: 02-ULP-12-0825

## DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

The Ohio State Troopers Association, IUPA/AFL-CIO (Charging Party) filed an unfair labor practice charge against the State of Ohio, Department of Public Safety, Highway Patrol (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by harassing and repeatedly changing Dispatcher Brandi Bernard's work schedule because she 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 no evidence of schedule changes or an adverse employment action. Additionally, going to the Administrative Investigative Unit is not a protected activity. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Marion County Board of Mental Retardation and Developmental Disabilities,

Charging Party,

v.

MARCA Education Association, OEA/NEA,

Charged Party.

Case Number: 03-ULP-01-0011

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

The Marion County Board of Mental Retardation and Developmental Disabilities (Charging Party) filed an unfair labor practice charge against the MARCA Education Association, OEA/NEA (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(2), (3), and (4) by circumventing the parties' bargaining guidelines, increasing its wage proposal, threatening to file an unfair labor practice charge over an issue at impasse, attempting to deal directly with the Charging Party's board, and attempting to induce others to boycott or picket the Charging Party.

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 evidence to support the allegations. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Wellington Support Staff, Lori Whitney, and Colleen Wetherbee,

Charging Parties,

v.

Wellington Exempted Village Board of Education and Sandy Westfall,

Charged Parties.

Case Number: 02-ULP-10-0695

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

The Wellington Support Staff, Lori Whitney, and Colleen Wetherbee (Charging Parties) filed an unfair labor practice charge against the Wellington Exempted Village Board of Education and Sandy Westfall (Charged Parties). The charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) and (3) by intimidating and discriminating against Lori Whitney and Colleen Wetherbee because they exercised their rights to seek redress for discriminatory practices.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Parties have violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charged Parties' actions were not related to the Charging Parties' 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

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 24th day of March, 2003.

SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

William J. Johnston,

Charging Party,

v.

Greater Dayton Regional Transit Authority,

Charged Party.

Case Number: 02-ULP-10-0693

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

William J. Johnston (Charging Party) filed an unfair labor practice charge against the Greater Dayton Regional Transit Authority (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (4) by transferring the Charging Party back to his former position without providing adequate training or sufficient time to demonstrate his competency in retaliation for exercising his 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 demotion was for reasons other than the Charging Party engaging in 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

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 24th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Mayfield Heights Local 1500, IAFF,

Charging Party,

v.

City of Mayfield Heights,

Charged Party.

Case Number: 03-ULP-01-0019

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

Mayfield Heights Local 1500, IAFF (Charging Party) filed an unfair labor practice charge against the City of Mayfield Heights (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally determining the wages, hours, and terms and conditions of employment for the newly hired full-time Fire Safety Inspector, and failing to provide requested information needed to negotiate. The Charging Party filed a motion to expedite the investigation.

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 new position is not in the bargaining unit. Consequently, no statutory requirement exists to bargain the new position. Accordingly, the Board dismisses the charge with prejudice and denies the Charging Party's motion as moot.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Newton Falls Association of Classified Employees,

Charging Party,

v.

Newton Falls Exempted Village Board of Education,

Charged Party.

Case Number: 02-ULP-11-0747

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

The Newton Falls Association of Classified Employees (Charging Party) filed an unfair labor practice charge against the Newton Falls Exempted Village 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 the parties negotiated in good faith. Additionally, no information was provided to support the regressive bargaining allegation. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Newton Falls Association of Classified Employees, OEA/NEA,

Charging Party,

v.

Newton Falls Exempted Village Board of Education,

Charged Party.

Case Number: 02-ULP-11-0748

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

The Newton Falls Association of Classified Employees, OEA/NEA (Charging Party) filed an unfair labor practice charge against the Newton Falls Exempted Village Board of Education (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by interfering with, restraining, or coercing bargaining-unit employees in the exercise of guaranteed rights, and 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 the Charged Party provided factual information and was not required to provide additional information until after the strike occurred. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Frank P. Madonia and Marcelino Maldonado,

Charging Parties,

v.

International Union of Operating Engineers, Local 18,

Charged Party.

Case Numbers: 02-ULP-12-0833
02-ULP-12-0837

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGES

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

Frank P. Madonia and Marcelino Maldonado (Charging Parties) filed unfair labor practice charges against the International Union of Operating Engineers, Local 18 (Charged Party). The charges allege the Charged Party violated Ohio Revised Code § 4117.11(B)(1) by coercing the Charging Parties with regard to casting their representation election vote.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of these charges. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals no evidence showing that the alleged comments amount to a threat. Accordingly, the charges are dismissed with prejudice.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Elgin Doss, Royce W. Robinson, William Leon Medlea, Marcelino Maldonado, and Roman Dowhaniuk,

Charging Parties,

v.

International Union of Operating Engineers, Local 18,

Charged Party.

Case Numbers: 02-ULP-12-0834
02-ULP-12-0835
02-ULP-12-0836
02-ULP-12-0838
02-ULP-12-0839

## FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 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(B)(1) by threatening the Charging Parties with the loss of employment to restrain or coerce them in their right to form or join an employee organization of their own choosing.

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 these matters. A Board mediator will immediately contact the parties. All parties needed to resolve this matter shall be present at the mediation.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
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.

Tri-County Regional Jail,

Charged Party.

Case Number: 02-ULP-10-0698

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

The Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO (Charging Party) filed an unfair labor practice charge against the Tri-County Regional Jail (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), and (3) by retaliating against Jennifer Nixon for engaging in protected activity.

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 Ms. Nixon was not forced to quit for engaging in protected activities. Additionally, the Charging Party failed to show an Ohio Revised Code § 4117.11(A)(2) violation occurred. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Eastern Local School District Board of Education,

Charging Party,

v.

Eastern Local Classroom Teachers Association, OEA/NEA and
Eastern Local School Support Personnel Association, OEA/NEA,

Charged Parties.

Case Numbers: 03-ULP-01-0009
03-ULP-01-0010

## FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 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 Parties violated Ohio Revised Code § 4117.11(B)(7) by picketing the place of private employment of School Board President Stephanie Knipp during a strike.

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 these matters. A Board mediator will immediately contact the parties. All parties needed to resolve this matter shall be present at the mediation.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
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.

Cuyahoga County Sheriff,

Charged Party.

Case Number: 02-ULP-10-0691

DIRECTIVE GRANTING MOTION TO WITHDRAW

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

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

It is so directed.

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

Carol Nolan Drake
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 March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Lori A. Lawson,

Charging Party,

v.

Mason City School District Board of Education,

Charged Party.

Case Number: 03-ULP-01-0015

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

Lori A. Lawson (Charging Party) filed an unfair labor practice charge against the Mason City School District Board of Education (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), (6), and (7) by unfairly terminating the Charging Party unfairly and by not processing her grievance.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charging Party was not engaged in protected activity prior to being advised she was being terminated. The Charged Party processed her grievance. Additionally, the Charging Party failed to show Ohio Revised Code § 4117.11(A)(1), (6), and (7) violations occurred. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Newton Falls Classroom Teachers Association, OFT/AFT,

Charging Party,

v.

Newton Falls Exempted Village Schools,

Charged Party.

Case Number: 02-ULP-11-0737

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

The Newton Falls Classroom Teachers Association, OFT/AFT (Charging Party) filed an unfair labor practice charge against the Newton Falls Exempted Village Schools (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by unilaterally modifying the terms of the collective bargaining agreement, dealing directly with employees, and discriminating against employees in the use of sick leave.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charged Party's memorandum was an attempt to enforce existing provisions of the collective bargaining agreement, and sought to prevent an unauthorized work stoppage by various members of the Charging Party. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Newton Falls Exempted Village Board of Education,

Charging Party,

v.

Newton Falls Association of Classified Employees, OEA/NEA,

Charged Party.

Case Number: 02-ULP-11-0775

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

The Newton Falls Exempted Village Board of Education (Charging Party) filed an unfair labor practice charge against the Newton Falls Association of Classified Employees, OEA/NEA (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(3) 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 the parties negotiated in good faith. Additionally, no information was provided to support the regressive bargaining allegation. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

National Conference of Firemen and Oilers, Local 777,

Charging Party,

v.

Cleveland City School District,

Charged Party.

Case Number: 02-ULP-10-0684

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 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), (5), and (6) by repeatedly failing to provide requested information related to pending grievances in a timely manner, and repeatedly failing to respond to grievances.

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

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

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Lima Education Association, OEA/NEA,

Charging Party,

v.

Lima City School District Board of Education,

Charged Party.

Case Number: 02-ULP-11-0720

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 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) and (3) by reducing Donna Tucker's teaching schedule in retaliation for engaging in protected activities.

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

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

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Newton Falls Association of Classified Employees, OEA/NEA,

Charging Party,

v.

Newton Falls Exempted Village Board of Education,

Charged Party.

Case Number: 02-ULP-11-0776

## DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

The Newton Falls Association of Classified Employees, OEA/NEA (Charging Party) filed an unfair labor practice charge against the Newton Falls Exempted Village Board of Education (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by interfering with, restraining, or coercing bargaining-unit employees in the exercise of guaranteed rights, and 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 Ms. Cynthia Gray's hours have not changed, and the matter appears strictly contractual. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Terri Pigg,

Charging Party,

v.

Newton Falls Exempted Village Board of Education,

Charged Party.

Case Number: 02-ULP-12-0783

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

Terri Pigg (Charging Party) filed an unfair labor practice charge against the Newton Falls Exempted Village Board of Education (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by disciplining the Charging Party in retaliation for engaging in protected activity.

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 disciplined for reasons other than engaging in protected activity. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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

Carol Nolan Drake

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 24th day of March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Lisa L. Hawkins-Alahmad,

Charging Party,

v.

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

Charged Party.

Case Number: 03-ULP-01-0016

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

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

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

Pursuant to the Board's investigation under Ohio Revised Code § 4117.12, information was requested from the Charging Party. The Charging Party did not respond to the 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
CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party on this 24th day of March, 2003.

Sandra A.M. Iversen
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, Chapter 7010,

Charging Party,

v.

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

Charged Party.

Case Number: 03-ULP-01-0001

DIRECTIVE GRANTING MOTION TO WITHDRAW

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

The Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 7010 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
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 March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Carleton School/Meigs Industries Education Association,

Charging Party,

v.

Meigs County Board of Mental Retardation and Developmental Disabilities,

Charged Party.

Case Number: 02-ULP-11-0735

DIRECTIVE GRANTING MOTION TO WITHDRAW

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

The parties have reached a settlement through the unfair labor practice mediation process in the above-referenced charge. Paragraph 5 of the settlement agreement provides that the Charging Party agrees to request withdrawal of this charge. The Board construes the settlement agreement 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

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 March, 2003.

Sandra A.M. Iversen

SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Stark County MR/DD Support Staff Association,

Charging Party,

v.

Stark County Board of Mental Retardation and Developmental Disabilities,

Charged Party.

Case Number: 02-ULP-10-0660

DIRECTIVE GRANTING MOTION TO WITHDRAW

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

The parties have reached a settlement in the above-referenced charge. Paragraph 1 of the settlement agreement provides that the Charging Party agrees to request withdrawal of this charge. The Board construes the settlement agreement 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
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 March, 2003.

Sandra A.M. Iversen
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 261,

Charging Parties,

v.

Struthers City School District Board of Education,

Charged Party.

Case Number: 03-ULP-02-0061

DIRECTIVE GRANTING MOTION TO WITHDRAW

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

The Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and its Local 261 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

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 March, 2003.

Sandra A.M. Iversen

SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Southeast Local District Teachers Association,

Charging Party,

v.

Southeast Local School District Board of Education,

Charged Party.

Case Number: 02-ULP-11-0738

DIRECTIVE GRANTING MOTION TO WITHDRAW

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

The Southeast Local District Teachers Association 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
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 March, 2003.

Sandra A.M. Iversen
SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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