

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 02-REP-12-0257 Norton Professional Fire Fighters, IAFF Local 4219 and City of Norton

Board Member Verich moved that the Board certify the Employee Organization as the exclusive representative of all employees in the bargaining unit. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

2. Case 03-REP-02-0030 Warren County Highway Employees Association and Warren County Engineer

3. Case 03-REP-02-0033 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and City of Pickerington

4. Case 03-REP-02-0037 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and City of Pickerington

Vice Chairman Gillmor moved that the Board approve the jointly filed petitions and amend the units accordingly. 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-REP-02-0034 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Wellston

Board Member Verich moved that the Board grant the Employee Organization's motion to withdraw, and dismiss without prejudice the Request for Recognition. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

State Employment Relations Board
March 25, 2003
Page 3 of 14

6. Case 03-RLX-01-0001 Jerry Davis v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO

Vice Chairman Gillmor moved that the Board grant the application, declare the Applicant exempt from financially supporting the Employee Organization, and direct the Applicant to pay an amount equal to the fair share fee to a charitable organization pursuant to Ohio Revised Code § 4117.09(C). 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-REP-09-0187 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Norwood City Schools Board of Education

- There were 25 ballots cast
- There were 0 challenged ballots
- No Representative received 1 vote
- Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO received 24 votes and has prevailed in this election.

8. Case 02-REP-09-0168 Fraternal Order of Police, Ohio Labor Council, Inc. and Truck Drivers, Chauffeurs and Helpers Local Union #100, IBT and Hamilton County Sheriff

- There were 9 ballots cast
- There were 0 challenged ballots
- No Representative received 0 votes
- Truck Drivers, Chauffeurs and Helpers Local Union #100, IBT received 0 votes
- Fraternal Order of Police, Ohio Labor Council, Inc. received 9 votes and has prevailed in this election.

State Employment Relations Board
March 25, 2003
Page 4 of 14

9. Case 02-REP-10-0210 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Carlisle Local School District Board of Education
- There were 72 ballots cast
 - There was 1 challenged ballot
 - Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO received 23 votes
 - No Representative received 48 votes and has prevailed in this election.
10. Case 02-REP-06-0104 General Truck Drivers and Helpers, Local Union No. 92 and City of Alliance, Police Department
- There were 4 ballots cast
 - There were 0 challenged ballots
 - No Representative received 0 votes
 - General Truck Drivers and Helpers, Local Union No. 92 received 4 votes and has prevailed in this election.
11. Case 02-REP-06-0106 General Truck Drivers and Helpers, Local Union No. 92 and City of Alliance, Water Department
- There were 5 ballots cast
 - There were 0 challenged ballots
 - General Truck Drivers and Helpers, Local Union No. 92 received 2 votes
 - No Representative received 3 votes and has prevailed in this election.
12. Case 02-REP-10-0197 General Truck Drivers and Helpers, Local Union No. 92 and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Alliance
- There were 6 ballots cast
 - There were 0 challenged ballots
 - No Representative received 0 votes
 - Fraternal Order of Police, Ohio Labor Council, Inc. received 0 votes
 - General Truck Drivers and Helpers, Local Union No. 92 received 6 votes and has prevailed in this election.

State Employment Relations Board
March 25, 2003
Page 5 of 14

13. Case 02-REP-09-0192 Fraternal Order of Police, Ohio Labor Council, Inc. and Coshocton County Sheriff

- There were 7 ballots cast
- There were 0 challenged ballots
- No Representative received 0 votes
- Fraternal Order of Police, Ohio Labor Council, Inc. received 7 votes and has prevailed in this election.

Board Member Verich moved that the Board certify the election results and certify each prevailing employee organization as the exclusive representative 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

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 02-REP-05-0098 Lebanon City School Employees Association and Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Lebanon City School District Board of Education

Vice Chairman Gillmor moved that the Board deny the motion for oral arguments, adopt the Findings of Fact and Conclusions of Law in the Recommended Determination, grant the Lebanon City School Employees Association's petition to sever the petitioned-for bargaining unit from the existing bargaining unit represented by the Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO, and direct an election under Ohio Revised Code Section 4117.07 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. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

State Employment Relations Board
March 25, 2003
Page 6 of 14

2. Case 02-ULP-09-0602 SERB v. Service Employees International Union, District 1199

Board Member Verich moved that the Board approve and adopt the settlement agreement, construe the settlement agreement as a motion to dismiss, grant the motion, dismiss the complaint, and dismiss with prejudice the unfair labor practice charge. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

3. Case 02-REP-04-0074 West Chester Professional Firefighters, IAFF Local 3518 and West Chester Township, Butler County

Vice Chairman Gillmor moved that this case be added to the agenda. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

Board Member Verich moved that the Board construe the Employer's withdrawal as a motion to withdraw its request for oral argument and grant the motion. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 02-ULP-10-0703 Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO v. State of Ohio, Department of Rehabilitation and Correction, Oakwood Correctional Institution

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 ___

State Employment Relations Board
March 25, 2003
Page 7 of 14

2. Case 02-ULP-10-0704 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO v. Akron Metropolitan Housing 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 ___

3. Case 03-ULP-01-0014 James P. Allen v. Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO

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

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

4. Case 02-ULP-10-0699 Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO v. Tri-County Regional Jail

Board Member Verich 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 ___

State Employment Relations Board
March 25, 2003
Page 8 of 14

5. Case 02-ULP-12-0799 Newton Falls Exempted Village Board of Education v. Newton Falls Classroom Teachers Association, OEA/NEA and Darlene Schaefer

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 ___

6. Case 02-ULP-11-0722 Chesapeake Local Teachers Association, OEA/NEA v. Chesapeake Exempted Village 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 (5) by creating a supplemental bargaining-unit position of "High School Dean of Students" following the ratification of a tentative agreement and failing to bargain the salary, 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 ___

7. Case 02-ULP-11-0723 Fairland Association of Classroom Teachers, OEA/NEA v. Fairland Local School District Board of Education

Vice Chairman Gillmor moved that the Board construe paragraph 7 of the settlement agreement as a motion to withdraw the charge, and grant that 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 ___

State Employment Relations Board
March 25, 2003
Page 10 of 14

11. Case 02-ULP-11-0752 Geraldine Bettio v. Stow-Munroe Falls
Classified Employees Association, OEA/NEA

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

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

12. Case 02-ULP-11-0716 United Steel Workers of America, Local 1949,
AFL-CIO v. City of Marion

Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party and as untimely filed for events occurring on August 1, 2002. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

13. Case 02-ULP-12-0792 Conneaut Fire Fighters Association, IAFF
Local 651 v. City of Conneaut

Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, deny the motion to dismiss, 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), but not (A)(5), by prohibiting the use of wearing union insignia, 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 ___

14. Case 02-ULP-12-0794 Conneaut Fire Fighters Association, IAFF
Local 651 v. City of Conneaut

Board Member Verich moved that the Board dismiss the charge with prejudice as untimely filed, and deny the motion to dismiss as moot. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

State Employment Relations Board
March 25, 2003
Page 11 of 14

15. Case 02-ULP-12-0779 Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 280 v. State of Ohio, Department of Mental Retardation and Developmental Disabilities, Southwest Developmental Center

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 (8), but not (A)(2), by unilaterally posting several "pick-a-post" postings indicating the Charging Party had agreed to the terms contained therein, and refusing to remove and correct the postings, 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 ___

16. Case 02-ULP-12-0797 Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 280 v. State of Ohio, Department of Mental Retardation and Developmental Disabilities, Springview Developmental Center

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 ___

17. Case 02-ULP-11-0761 Luther L. Gordon, Jr. v. Ohio Education Association

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 ___

State Employment Relations Board
March 25, 2003
Page 12 of 14

18. Case 03-ULP-01-0025 MARCA Education Association, OEA/NEA v. Marion County Board of Mental Retardation and Developmental Disabilities

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 ___

19. Cases 03-ULP-02-0052 Willie R. Ford v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 0710 and Keith ReJonis

03-ULP-02-0053 Willie R. Ford v. Rich Wooding

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

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

20. Case 02-ULP-12-0798 International Association of Fire Fighters, Local 267 v. City of Lorain

21. Case 02-ULP-12-0795 International Association of Fire Fighters, Local 3003 v. Perry Township, Lake County

22. Case 03-ULP-02-0077 International Union of Police Associations, AFL-CIO, Local 166 v. City of Defiance and Chief of Police N.M. Walker

23. Case 02-ULP-12-0812 International Association of Fire Fighters, Local 2018 v. City of Middleburg Heights

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

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

VI. ADMINISTRATIVE MATTERS:

1. General Counsel Russ Keith updated the Board members on the Executive Director's position. Mr. Keith stated that they are finalizing the position description and will be giving it to the Department of Administrative Services this week to post.
2. Board Member Verich presented and discussed an internship being presented to SERB for participation from Kent State University's Columbus Program in Intergovernmental Issues. The program selects students and places them in nonpaying positions at agencies where they can have the opportunity to learn their skills in the government field. The student would be here during the Fall quarter which runs from September to December, 2003. The student would accumulate 15 credit hours and would be working in our offices on Wednesdays, Thursdays, and Fridays.

Vice Chairman Gillmor asked if the Program Director would be selecting the intern or whether SERB would do the selecting. Mr. Keith mentioned that he received an e-mail from Director Sykes and it stated that SERB can design its own program for the student to participate. SERB would also have, "an opportunity to interview any applicant and make any and all employment decisions" on who we would like to intern at SERB.

Chairman Drake asked Mr. Keith to get back to the Board informing them on what SERB has done in the past with interns, and suggested that maybe he talk to Dale Zimmer, SERB's Mediation Administrator, for some suggestions for areas in which the intern could participate. Chairman Drake also stated that internships are a valuable, learning experience. She also informed Board Member Verich that on behalf of the Board, SERB would very much like to participate in this program, and we will get back with him with more details.

3. Chairman Drake mentioned the grant for the mediators from Croatia is progressing, and Mediator Tom Worley will let us know more details as they come along.
4. 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 ___

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

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

State Employment Relations Board
March 25, 2003
Page 14 of 14

VIII. ADJOURNMENT

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

Vote: DRAKE Aye
Affirmed X

GILLMOR Aye
Denied

VERICH Aye



Carol Nolan Drake, Chairman

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

AFSCME, Ohio Council 8,

Employee Organization,

and

Country View Assisted Living Center (Guernsey County Home),

Employer.

Case Numbers: 02-MED-08-0674 ✓
03-REP-01-0004

DIRECTIVE GRANTING MOTION TO STAY NEGOTIATIONS

Before Chairman Drake, Vice Chairman Gillmor and Board Member Verich: March 25, 2003.

The Country View Assisted Living Center (Guernsey County Home) (Employer) filed a motion to stay negotiations involving the AFSCME, Ohio Council 8, (Employee Organization) pending outcome of a related representation matter. The Employer questions whether the Employee Organization maintains majority status in the unit.

The motion to stay is granted. Accordingly, the negotiations are stayed in Case No. 02-MED-08-0674 pending disposition of Case No. 03-REP-01-0004. The processing of the representation case is to be expedited. Upon issuance of the directive disposing of the related representation matters, the stay no longer will be in effect.

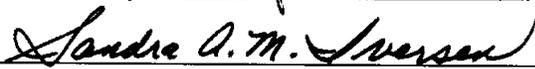
It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon the representative of each party by regular U.S. mail, postage prepaid, this 2nd day of April, 2003.



SANDRA A.M. IVERSEN
ADMINISTRATIVE ASSISTANT

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

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

Employee Organization,

and

Multi County Corrections Center,

Employer.

Case Numbers: 03-MED-02-0094 ✓
03-REP-02-0024

DIRECTIVE GRANTING MOTION TO STAY NEGOTIATIONS

Before Chairman Drake, Vice Chairman Gillmor and Board Member Verich: March 25, 2003.

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

The motion to stay is granted. Accordingly, the negotiations are stayed in Case No. 03-MED-02-0094 pending disposition of Case No. 03-REP-02-0024. The processing of the representation case is to be expedited. Upon issuance of the directive disposing of the related representation matters, the stay no longer will be in effect.

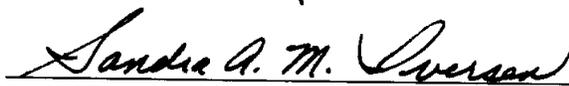
It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon the representative of each party by regular U.S. mail, postage prepaid, this 2nd day of April, 2003.



SANDRA A.M. IVERSEN
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Norton Professional Fire Fighters, IAFF Local 4219,

Employee Organization,

and

City of Norton,

Employer.

Case Number: 02-REP-12-0257

CERTIFICATION PURSUANT TO REQUEST FOR RECOGNITION

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

The Norton Professional Fire Fighters, IAFF Local 4219 (Employee Organization) filed a Request for Recognition seeking to become the exclusive representative of the following employees of the City of Norton (Employer):

Included: All full-time Fire Fighters and Fire Medics.

Excluded: Fire Chief.

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

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

Certification Pursuant to Request for Recognition
Case No. 02-REP-12-0257
March 25, 2003
Page 2

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

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, this 8th day of APRIL, 2003.



SANDRA A. M. IVERSEN
ADMINISTRATIVE SECRETARY

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Warren County Highway Employees Association,

Employee Organization,

and

Warren County Engineer,

Employer.

Case Number: 03-REP-02-0030

AMENDMENT OF CERTIFICATION

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

Warren County Highway Employees Association (Employee Organization) is the Board-certified exclusive representative of certain employees of the Warren County Engineer (Employer). The Employee Organization and the Employer jointly filed a Petition for Amendment of Certification seeking to amend the certification to reflect the addition of Traffic Technician I and II to the existing unit. The Board approves the petition and amends the unit, which is now described as follows:

Included: All full-time and regular part-time employees in the classifications of Highway Worker I, II, III; Auto Mechanic I, II, III; Maintenance/Building & Grounds Worker; and Traffic Technician I and II.

Excluded: Supervisors, seasonal employees, confidential employees, management level employees, and all other employees excluded by the Code.

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

Amendment of Certification
Case No. 03-REP-02-0030
March 25, 2003
Page 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, this 8th day of APRIL, 2003.


SANDRA A. M. IVERSEN
ADMINISTRATIVE SECRETARY

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

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

Employee Organization,

and

City of Pickerington,

Employer.

Case Number: 03-REP-02-0033

AMENDMENT OF CERTIFICATION

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

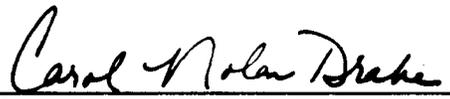
Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO (Employee Organization) is the Board-certified exclusive representative of certain employees of the City of Pickerington (Employer). The Employee Organization and the Employer jointly filed a Petition for Amendment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

Included: All Public Safety Dispatchers.

Excluded: All management level employees, professional employees, guards and supervisors as defined in the Act, and all other employees.

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

Amendment of Certification
Case No. 03-REP-02-0033
Page 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, this 8th day of APRIL, 2003.


SANDRA A. M. IVERSEN
ADMINISTRATIVE SECRETARY

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**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 Pickerington,

Employer.

Case Number: 03-REP-02-0037

AMENDMENT OF CERTIFICATION

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 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 Pickerington (Employer). The Employee Organization and the Employer jointly filed a Petition for Amendment of Certification seeking to amend the certification to reflect title changes and include three (3) newly created positions. The Board approves the petition and amends the unit, which is now described as follows:

Included: All employees of the City of Pickerington in the classification of Utility Treatment Plant Operators 1, 2, 3; Service Workers 1 and 2; Mechanic/Equipment Technicians 1 and 2; Utilities Maintenance Technicians 1 and 2; Park Maintenance Workers 1 and 2; Landscaper; Arborist; and Utility Laborers.

Excluded: All management level employees, professional employees, guards and supervisors as defined in the Act, and all clerical employees and Public Safety Dispatchers.

It is so directed.

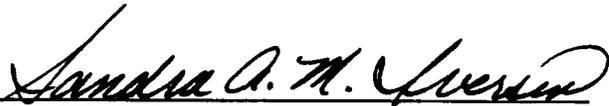
DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



CAROL NOLAN DRAKE, CHAIRMAN

Amendment of Certification
Case No. 03-REP-02-0037
March 25, 2003
Page 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, this 8th day of APRIL, 2003.


SANDRA A. M. IVERSEN
ADMINISTRATIVE SECRETARY

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of
Fraternal Order of Police, Ohio Labor Council, Inc.,
Employee Organization,
and
City of Wellston,
Employer.

Case Number: 03-REP-02-0034

DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

The Fraternal Order of Police, Ohio Labor Council, Inc. (Employee Organization) filed a Request for Recognition seeking to represent certain employees of the City of Wellston (Employer). The Employee Organization has filed a motion seeking to withdraw its request.

The Board grants the Employee Organization's motion, and dismisses without prejudice the Request for Recognition.

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Jerry Davis,

Applicant,

and

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

Employee Organization.

Case Number: 03-RLX-01-0001

DECLARATION OF RELIGIOUS EXEMPTION

Before Chairman Drake, Vice Chairman Gillmor and Board Member Verich: March 25, 2003.

Jerry Davis (Applicant) filed an Application for Religious Exemption seeking an exemption from paying a fair share fee to the Ohio Civil Service Employees Association/AFSCME Local 11, AFL-CIO (Employee Organization), which represents the Applicant's bargaining unit. In support of the application, the Applicant has documented all of the elements required by the statute to qualify for religious exemption from the payment of a fair share fee. The Seventh-day Adventist Church's doctrine states in part "Where union membership is required for employment in a given industry or position, and the member elects to remain in said position, he or she should minimize participation, serve in humanitarian projects, and request that his or her union dues be applied to a charitable organization."

The Employee Organization filed objections asserting no conflict exists between the Employee Organization and the practices of the Seventh-day Adventist Church.

The Board approves the Application for Religious Exemption and grants the Applicant exempt status pursuant to Ohio Revised Code § 4117.09(C). The Applicant is required to pay an amount equal to the fair share fee to a nonreligious charitable fund exempt from taxation under section 501(c)(3) of the Internal Revenue Code mutually agreed upon by the Applicant and the Employee Organization. The Applicant shall furnish to the Employee Organization written receipts evidencing such payment.

It is so directed.

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

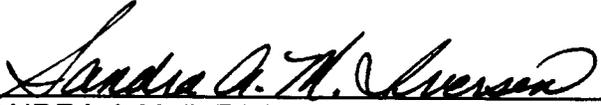


CAROL NOLAN DRAKE, CHAIRMAN

Declaration of Religious Exemption
Case No. 03-RLX-01-0001
March 25, 2003
Page 2

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

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, this 8th day of APRIL, 2003.



SANDRA A.M. IVERSEN
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

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

Employee Organization,

and

Norwood City Schools Board of Education,

Employer.

Case Number: 02-REP-09-0187

CERTIFICATION OF ELECTION RESULTS AND OF EXCLUSIVE REPRESENTATIVE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

Pursuant to Ohio Revised Code § 4117.07(C), the Board conducted a secret ballot election on February 19, 2003, for employees of Norwood City Schools Board of Education (Employer) in this appropriate unit:

Included: All employees of the Norwood Board of Education in the classification of Educational Aide, Cafeteria Aide, Student Assistant Aide, Family Advocate, Parent Coordinator, Special Education Aide, or any other title that falls under the general title of Educational Aide.

Excluded: All supervisory, management-level, and confidential employees as defined in the Act, all other employees.

The results of the election are: twenty-five (25) ballots were cast; twenty-four (24) votes were for Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO; and one (1) vote was 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.

Certification of Election Results
and of Exclusive Representative
Case No. 02-REP-09-0187
March 25, 2003
Page 2

It is so directed.

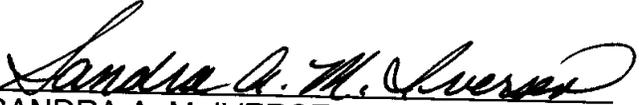
DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



CAROL NOLAN DRAKE, CHAIRMAN

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SANDRA A. M. IVERSEN
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

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

Rival Employee Organization,

and

Truck Drivers, Chauffeurs & Helpers Local Union #100, IBT,

Incumbent Employee Organization,

and

Hamilton County Sheriff,

Employer.

Case Number: 02-REP-09-0168

CERTIFICATION OF ELECTION RESULTS AND OF EXCLUSIVE REPRESENTATIVE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

Pursuant to Ohio Revised Code § 4117.07(C), the Board conducted a secret ballot election on February 27, 2003, for employees of Hamilton County Sheriff (Employer) in this appropriate unit:

Included: All regular full-time employees of the Hamilton County Sheriff's Department in the classifications of Laundry Worker, Maintenance Worker I and Maintenance Worker II.

Excluded: All other employees.

The results of the election are: nine (9) ballots were cast; nine (9) votes were for the Fraternal Order of Police, Ohio Labor Council, Inc.; and zero (0) votes were for the Truck Drivers, Chauffeurs & Helpers Local Union #100, IBT; 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.

Certification of Election Results
and of Exclusive Representative
Case No. 02-REP-09-0168
March 25, 2003
Page 2

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

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

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, this 8th day of APRIL, 2003.



SANDRA A. M. IVERSEN
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

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

Employee Organization,

and

Carlisle Local School District Board of Education,

Employer.

Case Number: 02-REP-10-0210

CERTIFICATION OF ELECTION RESULTS

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

Pursuant to Ohio Revised Code § 4117.07(C), the Board conducted a secret ballot election on February 21, 2003, for employees of Carlisle Local School District Board of Education (Employer) in this appropriate unit:

Included: Secretaries, Cafeteria Workers, Aides, Bus Drivers/Van Drivers, Library Aides, Bus Mechanics, and Custodians.

Excluded: All other employees of the Employer including Secretary to the Superintendent, Secretary to the Treasurer, Payroll/Insurance Clerk, Payroll Clerk, Secretary to Director of Operations, Management Employees, and Supervisors as defined in Ohio R.C. Chapter 4117.

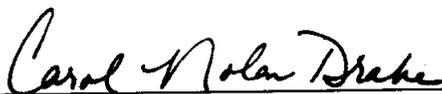
The results of the election are: seventy-two (72) votes were cast; twenty-three (23) votes were for the Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO; and forty-eight (48) votes were for "No Representative." The one challenged ballot was not sufficient to affect the results of the election.

No employee organization has received a majority of the ballots cast. Therefore, the Board certifies that the employees in the unit have chosen to have no exclusive representative for purposes of collective bargaining.

Certification of Election Results
Case No. 02-REP-10-0210
March 25, 2003
Page 2

It is so directed.

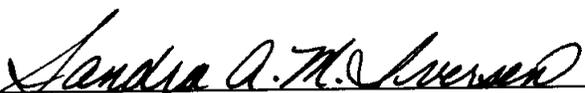
DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



CAROL NOLAN DRAKE, CHAIRMAN

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

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, this 8th day of APRIL, 2003.



SANDRA A.M. IVERSEN
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

General Truck Drivers & Helpers Local Union No. 92,

Employee Organization,

and

City of Alliance - Police Department,

Employer.

Case Number: 02-REP-06-0104

CERTIFICATION OF ELECTION RESULTS AND OF EXCLUSIVE REPRESENTATIVE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

Pursuant to Ohio Revised Code § 4117.07(C), the Board conducted a secret ballot election on February 25, 2003, for employees of City of Alliance - Police Department (Employer) in this appropriate unit:

Included: All Secretaries, Stenographers, Office Coordinators and Clerical Employees.

Excluded: All Dispatchers, Janitorial and Maintenance Employees, Police Officers, Professional Employees and Supervisors.

The results of the election are: four (4) ballots were cast; four (4) votes were for the General Truck Drivers & Helpers Local Union No. 92; and zero (0) votes were for "No Representative."

The General Truck Drivers & Helpers Local Union No. 92 has received a majority of the ballots cast and is certified as the exclusive representative of all employees in the unit.

It is so directed.

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

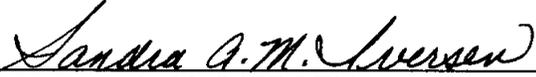


CAROL NOLAN DRAKE, CHAIRMAN

Certification of Election Results
and of Exclusive Representative
Case No. 02-REP-06-0104
March 25, 2003
Page 2

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

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, this 8th day of April, 2003.



SANDRA A. M. IVERSEN
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

General Truck Drivers & Helpers Local Union No. 92,

Employee Organization,

and

City of Alliance – Water Department,

Employer.

Case Number: 02-REP-06-0106

CERTIFICATION OF ELECTION RESULTS

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

Pursuant to Ohio Revised Code § 4117.07(C), the Board conducted a secret ballot election on February 25, 2003, for employees of the City of Alliance (Employer) in this appropriate unit:

Included: All Secretaries, Stenographers, Cashiers, Typists and Meter Readers.

Excluded: All Engineering and Professional Employees, Heavy Equipment Operators, Maintenance Employees and supervisors.

The results of the election are: five (5) ballots were cast; two (2) votes were for the General Truck Drivers & Helpers Local Union No. 92; and three (3) votes were for "No Representative."

No employee organization has received a majority of the votes cast. Therefore, the Board certifies that the employees in the unit have chosen to have no exclusive representative for purposes of collective bargaining.

It is so directed.

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

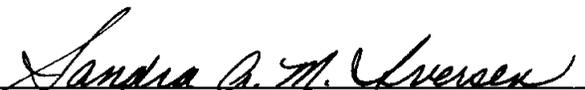


CAROL NOLAN DRAKE, CHAIRMAN

Certification of Election Results
and of Exclusive Representative
Case No. 02-REP-06-0106
March 25, 2003
Page 2

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SANDRA A. M. IVERSEN
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

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

Case Number: 02-REP-10-0197

CERTIFICATION OF ELECTION RESULTS AND OF EXCLUSIVE REPRESENTATIVE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

Pursuant to Ohio Revised Code § 4117.07(C), the Board conducted a secret ballot election on February 25, 2003, for employees of City of Alliance (Employer) in this appropriate unit:

Included: All full-time Police Dispatchers.

Excluded: All Police Officer, Office Clerical, Supervisors, Janitors, and part-time employees.

The results of the election are: six (6) ballots were cast; six (6) votes were for the General Truck Drivers & Helpers Local Union No. 92; and zero (0) votes were for the Fraternal Order of Police, Ohio Labor Council, Inc.; and zero (0) votes were for "No Representative."

The General Truck Drivers & Helpers Local Union No. 92 has received a majority of the ballots cast and is certified as the exclusive representative of all employees in the unit.

Certification of Election Results
and of Exclusive Representative
Case No. 02-REP-10-0197
March 25, 2003
Page 2

It is so directed.

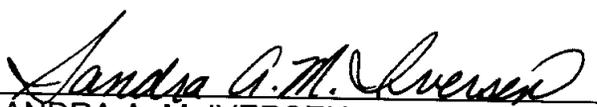
DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



CAROL NOLAN DRAKE, CHAIRMAN

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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 8th day of April, 2003.



SANDRA A. M. IVERSEN
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

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

Case Number: 02-REP-10-0197

CERTIFICATION OF ELECTION RESULTS AND OF EXCLUSIVE REPRESENTATIVE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

Pursuant to Ohio Revised Code § 4117.07(C), the Board conducted a secret ballot election on February 25, 2003, for employees of City of Alliance (Employer) in this appropriate unit:

Included: All full-time Police Dispatchers.

Excluded: All Police Officer, Office Clerical, Supervisors, Janitors, and part-time employees.

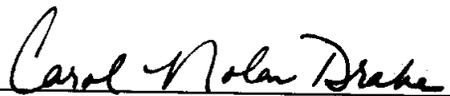
The results of the election are: six (6) ballots were cast; six (6) votes were for the General Truck Drivers & Helpers Local Union No. 92; and zero (0) votes were for the Fraternal Order of Police, Ohio Labor Council, Inc.; and zero (0) votes were for "No Representative."

The General Truck Drivers & Helpers Local Union No. 92 has received a majority of the ballots cast and is certified as the exclusive representative of all employees in the unit.

Certification of Election Results
and of Exclusive Representative
Case No. 02-REP-10-0197
March 25, 2003
Page 2

It is so directed.

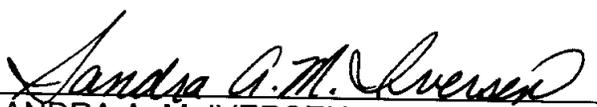
DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



CAROL NOLAN DRAKE, CHAIRMAN

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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 8th day of April, 2003.



SANDRA A. M. IVERSEN
ADMINISTRATIVE ASSISTANT

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

Lebanon City School Employees Association,

Rival Employee Organization,

and

Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 511,

Incumbent Employee Organization,

and

Lebanon City School District Board of Education,

Employer.

Case No. 2002-REP-05-0098

DIRECTIVE GRANTING PETITION AND DIRECTION TO ELECTION

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

On May 23, 2002, the Lebanon City School Employees Association ("Petitioner") filed a Petition for Representation Election ("Petition") seeking to represent all transportation employees of the Lebanon City School District Board of Education ("Employer"). The Petitioner is seeking to sever a new bargaining unit of approximately 61 employees from the existing bargaining unit represented by the Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and its Local 511 ("OAPSE") as the incumbent employee organization. On August 15, 2002, the State Employment Relations Board ("SERB") directed this matter to hearing to determine whether severance of the proposed unit is appropriate and for all other relevant issues.

A hearing was held on November 13 and 14, 2002. On January 31, 2003, the Administrative Law Judge issued a Corrected Recommended Determination, proposing that the Board find that the Petitioner has met the standard for severance, that severance of the petitioned-for bargaining unit is appropriate, and that an election should be conducted. On February 10, 2003, OAPSE filed exceptions to the Recommended Determination and a Motion for Oral Argument. On February 27, 2003, the Petitioner filed responses to OAPSE's exceptions and to the motion for oral argument.

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, grants the Lebanon City School Employees Association's petition to sever the petitioned-for bargaining unit from the existing bargaining unit, 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 Board also denies the motion for oral argument.

The bargaining unit is hereby described as follows:

Included:

All transportation employees, including all School Bus Drivers, Mechanics, Crossing Guards, and Bus Aides.

Excluded:

All other positions.

As required by Ohio Administrative Code Rule 4117-5-07(A), no later than April 10, 2003, the Lebanon City 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 25, 2003.

It is so ordered.

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



CAROL NOLAN DRAKE, CHAIRMAN

I certify that a copy of this document was served upon each party's representative by certified mail, return receipt requested, this 31ST day of March, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

State Employment Relations Board,

Complainant,

v.

Service Employees International Union, District 1199,

Respondent.

Case No. 2002-ULP-09-0602

DIRECTIVE GRANTING MOTION TO DISMISS

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

On September 9, 2002, Joseph Rammelsburg, John Cover, and Pete Wasson ("Charging Parties") filed an unfair labor practice charge against the Service Employees International Union, District 1199 ("Respondent"). On December 12, 2002, the State Employment Relations Board ("Board" or "Complainant") found probable cause to believe a violation had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to the unfair labor practice mediation process.

On March 11, 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 to dismiss.

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

It is so ordered.

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



CAROL NOLAN DRAKE, CHAIRMAN

I certify that a copy of this document was served upon each party's representative by regular U.S. Mail this 31st day of MARCH, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

In the Matter of

West Chester Professional Fire Fighters, IAFF Local 3518,

Employee Organization,

and

West Chester Township, Butler County,

Employer.

Case No. 2002-REP-04-0074

DIRECTIVE GRANTING WITHDRAWAL OF REQUEST FOR ORAL ARGUMENT

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

On December 13, 2002, the Administrative Law Judge issued a Recommended Determination in this representation. On December 24, 2003, West Chester Township, Butler County ("Employer") filed exceptions and a request for oral argument. On December 30, 2002, West Chester Professional Firefighters IAFF, Local 3518 ("Employee Organization") filed a response to the exceptions. On February 27, 2003, the State Employment Relations Board ("Board") granted the request for oral argument. On March 20, 2003, the Employer filed a Withdrawal of Request for Oral Argument.

The Employer's withdrawal of its request for oral argument is construed as a motion to withdraw, and the motion is granted.

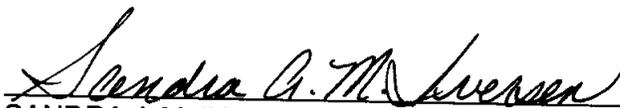
It is so ordered.

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



CAROL NOLAN DRAKE, CHAIRMAN

I certify that a copy of this document was served upon each party's representative by regular U.S. Mail this 31st day of MARCH, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

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

v.

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

Case Number: 02-ULP-10-0703

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

The Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO (Charging Party) filed an unfair labor practice charge against the State of Ohio, Department of Rehabilitation and Correction, Oakwood Correctional Institution (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), (5), and (8) by negotiating a grievance settlement to follow the terms of the contract, then failing to adhere to those agreements in August and September 2002, and directly dealing with bargaining-unit employees regarding their hours of employment.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals no statutory requirement to bargain regarding positions excluded from the bargaining unit; and the issue involves contract interpretation with regard to the bargaining-unit employees and would be best addressed in the parties' grievance procedure. Additionally, the Charging Party failed to show any Ohio Revised Code § 4117.11(A)(1), (2), or (8) 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, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-10-0703

March 25, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 28th 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

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

v.

Akron Metropolitan Housing Authority,
Charged Party.

Case Number: 02-ULP-10-0704

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO (Charging Party) filed an unfair labor practice charge against the Akron Metropolitan Housing Authority (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (4) by terminating Joyce Zinn's employment for engaging in protected activities.

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. Zinn was terminated for reasons other than her protected activities. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-10-0704

March 25, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 28th 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

James P. Allen,

Charging Party,

v.

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

Charged Party.

Case Number: 03-ULP-01-0014

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

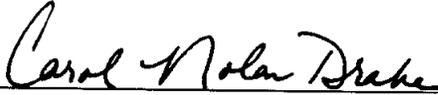
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

James P. Allen (Charging Party) filed an unfair labor practice charge against the Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by refusing to process the Charging Party's grievance-arbitration appeal because he is a bargaining-unit employee who is not a union member.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the grievance was not pursued to arbitration based on its merits. Additionally, the Charged Party's actions were not arbitrary, discriminatory, or in bad faith. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE
Case No. 03-ULP-01-0014
March 25, 2003
Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 28th day of March, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

0059b.bo/030014:32503:3

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-10-0699

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

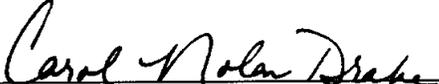
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

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), (3), and (5) by implementing new policies.

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

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-10-0699

March 25, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 28th day of

March, 2003.


SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

0059b.bo/020699:32503:4

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Newton Falls Exempted Village Board of Education,

Charging Party,

v.

Newton Falls Classroom Teachers Association, OEA/NEA and Darlene Schaefer,

Charged Parties.

Case Number: 02-ULP-12-0799

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

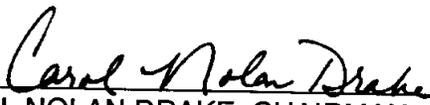
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

The Newton Falls Exempted Village Board of Education (Charging Party) filed an unfair labor practice charge against the Newton Falls Classroom Teachers Association, OEA/NEA and Darlene Schaefer (Charged Parties). The charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(B)(1) by attempting to coerce the Charging Party in its choice of a bargaining representative.

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 do not rise to the level of a violation. Additionally, the parties were not in negotiations. The statements, under the circumstances in which they were made, do not constitute a violation. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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


CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-12-0799

March 25, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 28th day of March, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

0059b.bo/020799:32503:5

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Chesapeake Local Teachers Association, OEA/NEA,

Charging Party,

v.

Chesapeake Exempted Village School District Board of Education,

Charged Party.

Case Number: 02-ULP-11-0722

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals that probable cause exists for believing a violation occurred. The Board authorizes the issuance of a complaint and directs that a hearing be held to determine whether the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by creating a supplemental bargaining-unit position of High School Dean of Students following the ratification of a tentative agreement and by failing to bargain the salary.

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

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

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Case No. 02-ULP-11-0722

March 25, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 28th day of March, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

0059c.bo/020722:32503:6

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Fairland Association of Classroom Teachers, OEA/NEA,

Charging Party,

v.

Fairland Local School District Board of Education,

Charged Party.

Case Number: 02-ULP-11-0723

DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

The parties have reached a settlement through the unfair labor practice mediation process in the above-referenced charge. Paragraph 7 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, CHAIRMAN

I certify that this document was filed and a copy served upon each party by regular U.S. mail, this 28th day of March, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Mayfield Education Association, OEA/NEA,

Charging Party,

v.

Mayfield City School District Board of Education,

Charged Party.

Case Number: 02-ULP-11-0762

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

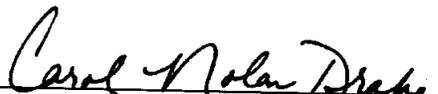
Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals that probable cause exists for believing a violation occurred. The Board authorizes the issuance of a complaint and directs that a hearing be held to determine whether the Charged Party violated Ohio Revised Code § 4117.11(A)(1) by interfering with, restraining, or coercing Ms. Kelly Fanelli by threatening more severe action if she brought a building representative to a meeting. The Board dismisses the Ohio Revised Code § 4117.11(A)(3) allegation for lack of probable cause.

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

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

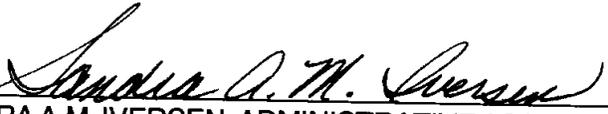
It is so directed.

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


CAROL NOLAN DRAKE, CHAIRMAN

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING
Case No. 02-ULP-11-0762
March 25, 2003
Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 28th 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

Mayfield Association of Support Personnel, OEA/NEA,

Charging Party,

v.

Mayfield City School District Board of Education,

Charged Party.

Case Number: 02-ULP-11-0763

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

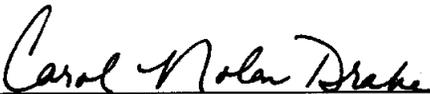
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

The Mayfield Association of Support Personnel, OEA/NEA (Charging Party) filed an unfair labor practice charge against the Mayfield City School District Board of Education (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by interfering with, coercing, and retaliating against members of the bargaining unit.

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 failed to show how the bargaining-unit members were harmed because of the 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, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-11-0763

March 25, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 28th 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

United Electrical, Radio and Machine Workers of America, Local 741,

Charging Party,

v.

Highland Local School District Board of Education,

Charged Party.

Case Number: 03-ULP-01-0033

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

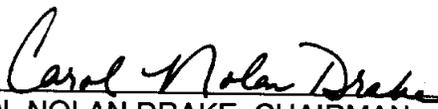
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

The United Electrical, Radio and Machine Workers of America, Local 741 (Charging Party) filed an unfair labor practice charge against the Highland Local School District Board of Education (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), (5), and (8) by refusing to supply requested information needed to process 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 the information requested was not relevant within the context of the terms of the collective bargaining agreement. Additionally, the Charging Party failed to show Ohio Revised Code § 4117.11(A)(1), (2), or (8) violations occurred. Accordingly, the charge is dismissed with prejudice.

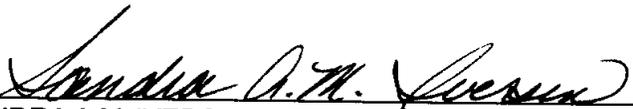
It is so directed.

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


CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE
Case No. 03-ULP-01-0033
March 25, 2003
Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 28th 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

Rachel A. Reeb,

Charging Party,

v.

Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO and
Its Local Chapter 710,

Charged Parties.

Case Number: 02-ULP-11-0730

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

Rachel A. Reeb (Charging Party) filed an unfair labor practice charge against the Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO and its Local Chapter 710 (Charged Parties). The charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(B)(1) and (6) by withdrawing the Charging Party's grievance on July 23, 2002.

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 grievance was processed, and the withdrawal was based on the merits of the case. Additionally, the Charged Parties' actions were not arbitrary, discriminatory, or in bad faith. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

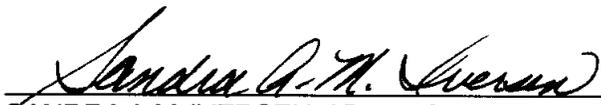
DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-11-0730

March 25, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 28th 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

Geraldine Bettio,

Charging Party,

v.

Stow-Munroe Falls Classified Employees Association, OEA/NEA,

Charged Party.

Case Number: 02-ULP-11-0752

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

Geraldine Bettio (Charging Party) filed an unfair labor practice charge against the Stow-Munroe Falls Classified Employees Association, OEA/NEA (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (6) by refusing to allow the Charging Party to serve on its bargaining team, and by interfering with her conditions of employment and civil rights.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charged Party's actions were rational and were in the best interests of the union's bargaining-unit members as a whole. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

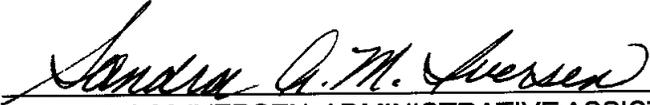
DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-11-0752

March 25, 2003

Page 2 of 2

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SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

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STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

United Steel Workers of America, Local 1949, AFL-CIO,

Charging Party,

v.

City of Marion,

Charged Party.

Case Number: 02-ULP-11-0716

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

The United Steel Workers of America, Local 1949, AFL-CIO (Charging Party) filed an unfair labor practice charge against the City of Marion (Charged Party) on November 1, 2002. The charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), (3), (4), and (8) by retaliating against employees for engaging in protected activities, interfering with the administration of the Charging Party, and by attempting to cause it to commit a violation.

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 any disparate treatment regarding the assigning of overtime was because of the duties required of the position. The promotion was outside of the bargaining unit, and only three of twenty-six applicants were interviewed. Ms. Jeannine Marcum has not filed previous unfair labor practice charges nor given testimony before the State Employment Relations Board. No information was provided to show how the Charged Party's actions caused the Charging Party to commit a violation. Additionally, knowledge of the alleged violations occurring on August 1, 2002, was more than 90 days before the charge was filed with the Board. No mitigating circumstances exist that warrant equitable tolling of the statute of limitations. Accordingly, the charge is dismissed with prejudice for lack of probable cause to believe the statute has been violated and as untimely filed for events occurring on August 1, 2002.

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-11-0716

March 25, 2003

Page 2 of 2

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

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

Conneaut Fire Fighters Association, IAFF Local 651,

Charging Party,

v.

City of Conneaut,

Charged Party.

Case Number: 02-ULP-12-0792

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The Charged Party filed a motion to dismiss. The investigation reveals that probable cause exists for believing a violation occurred. The Board denies the Charged Party's motion to dismiss, authorizes the issuance of a complaint, and directs that a hearing be held to determine whether the Charged Party violated Ohio Revised Code § 4117.11(A)(1) by prohibiting the use of wearing union insignia. The Board dismisses the Ohio Revised Code § 4117.11(A)(5) allegation for lack of probable cause.

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

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

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

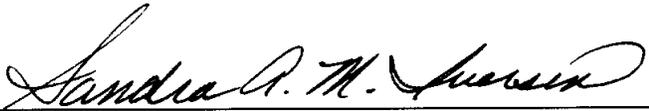
FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Case No. 02-ULP-12-0792

March 25, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 29th 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

Conneaut Fire Fighters Association, IAFF Local 651,

Charging Party,

v.

City of Conneaut,

Charged Party.

Case Number: 02-ULP-12-0794

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

On December 12, 2002, the Conneaut Fire Fighters Association, IAFF Local 651 filed an unfair labor practice charge against the City of Conneaut. The events giving rise to the charge occurred more than 90 days before the filing of the charge with the Board. No mitigating circumstances exist that warrant equitable tolling of the statute of limitations. Pursuant to Ohio Revised Code § 4117.12 and Ohio Administrative Code Rule 4117-7-01(A), the charge is dismissed with prejudice as untimely filed.

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 28th day of March, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

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

Charging Party,

v.

State of Ohio, Department of Mental Retardation and Developmental Disabilities,
Southwest Developmental Center,

Charged Party.

Case Number: 02-ULP-12-0779

FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 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 (8) by unilaterally posting several pick-a-post postings indicating the Charging Party had agreed to the terms contained therein, and refusing to remove and correct the postings. The Board dismisses the Ohio Revised Code § 4117.11(A)(2) allegation for lack of probable cause.

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

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

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

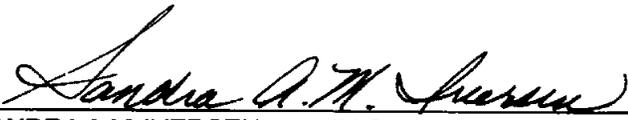
FINDING OF PROBABLE CAUSE AND DIRECTION TO HEARING

Case No. 02-ULP-12-0779

March 25, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 28th 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

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

Charging Party,

v.

State of Ohio, Department of Mental Retardation and Developmental Disabilities,
Springview Developmental Center,

Charged Party.

Case Number: 02-ULP-12-0797

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

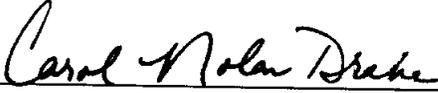
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

The Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 280 (Charging Party) filed an unfair labor practice charge against the State of Ohio, Department of Mental Retardation and Developmental Disabilities, Springview Developmental Center (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (5), and (8) by unilaterally changing the manner in which employees take breaks and lunches just prior to the employees' commencement of successor agreement negotiations.

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 is acting within the contractual limits. Additionally, the Charging Party failed to show an Ohio Revised Code § 4117.11(A)(8) violation occurred. Accordingly, the charge is dismissed with prejudice.

It is so directed.

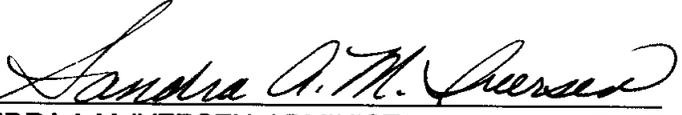
DRAKE, Chairman; GILLMOR, Vice Chairman; and VERICH, Board Member, concur.



CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE
Case No. 02-ULP-12-0797
March 25, 2003
Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 28th 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

Luther L. Gordon, Jr.,

Charging Party,

v.

Ohio Education Association,

Charged Party.

Case Number: 02-ULP-11-0761

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

Luther L. Gordon, Jr. (Charging Party) filed an unfair labor practice charge against the Ohio Education Association (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (6) by failing to fairly represent the Charging Party through the processing of his grievance, failing to address supervisory harassment, and by failing to follow-up on his grievance.

Pursuant to Ohio Revised Code § 4117.12, the Board has conducted an investigation of this charge. The investigation reveals no probable cause exists to believe the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charging Party was represented through the grievance process, and his grievance was found to lack merit for arbitration. Additionally, the Charged Party's actions were not arbitrary, discriminatory, or in bad faith. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

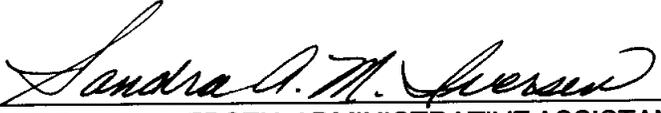
DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 02-ULP-11-0761

March 25, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 28th 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

MARCA Education Association, OEA/NEA,

Charging Party,

v.

Marion County Board of Mental Retardation and Developmental Disabilities,

Charged Party.

Case Number: 03-ULP-01-0025

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

The MARCA Education Association, OEA/NEA (Charging Party) filed an unfair labor practice charge against the Marion County Board of Mental Retardation and Developmental Disabilities (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by refusing to follow the parties' dispute resolution procedure.

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' dispute resolution procedure was followed. Accordingly, the charge is dismissed with prejudice.

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Case No. 03-ULP-01-0025

March 25, 2003

Page 2 of 2

I certify that this document was filed and a copy served upon each party and the representative of each party by certified mail, return receipt requested, on this 28th 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

Willie R. Ford,

Charging Party,

v.

Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO,
Chapter 0710 and Keith ReJonis,

Charged Parties.

Case Number: 03-ULP-02-0052

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

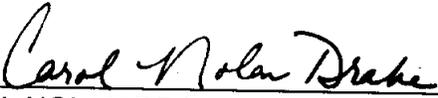
Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

Willie R. Ford (Charging Party) filed an unfair labor practice charge against the Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 0710 and Keith ReJonis (Charged Parties). The charge alleges the Charged Parties violated Ohio Revised Code § 4117.11.

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

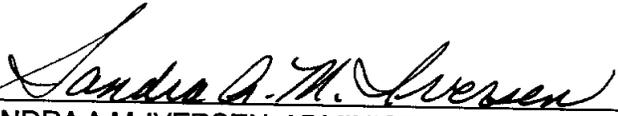
It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party on this 29th
day of March, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

Willie R. Ford,

Charging Party,

v.

Rich Wooding,

Charged Party.

Case Number: 03-ULP-02-0053

DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

Willie R. Ford (Charging Party) filed an unfair labor practice charge against Rich Wooding (Charged Party). The charge alleges the Charged Party violated Ohio Revised Code § 4117.11.

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

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party on this 28th
day of March, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of
International Association of Fire Fighters, Local 267,
Charging Party,
v.
City of Lorain,
Charged Party.

Case Number: 02-ULP-12-0798

DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

The International Association of Fire Fighters, Local 267 has filed a notice of dismissal requesting withdrawal of the referenced unfair labor practice charge. The Board construes the notice of dismissal as a motion to withdraw and grants the motion with prejudice.

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party by regular U.S. mail, this 28th day of March, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of
International Association of Fire Fighters, Local 3003,
Charging Party,
v.
Perry Township, Lake County,
Charged Party.
Case Number: 02-ULP-12-0795

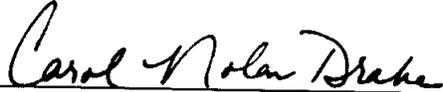
DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

The International Association of Fire Fighters, Local 3003 has filed a letter requesting withdrawal of the referenced unfair labor practice charge. The Board construes the letter as a motion to withdraw and grants the motion with prejudice.

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party by regular U.S. mail, this 28th day of March, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of

International Union of Police Associations, AFL-CIO, Local 166,

Charging Party,

v.

City of Defiance and Chief of Police N.M. Walker,

Charged Parties.

Case Number: 03-ULP-02-0077

DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

The International Union of Police Associations, AFL-CIO, Local 166 has filed a letter requesting withdrawal of the referenced unfair labor practice charge. The Board construes the letter as a motion to withdraw and grants the motion with prejudice.

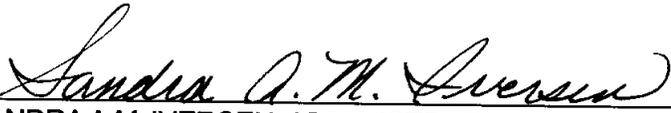
It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

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SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT

STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD

In the Matter of
International Association of Fire Fighters, Local 2018,
Charging Party,
v.
City of Middleburg Heights,
Charged Party.

Case Number: 02-ULP-12-0812

DIRECTIVE GRANTING MOTION TO WITHDRAW

Before Chairman Drake, Vice Chairman Gillmor, and Board Member Verich: March 25, 2003.

The International Association of Fire Fighters, Local 2018 has filed a letter requesting withdrawal of the referenced unfair labor practice charge. The Board construes the letter as a motion to withdraw and grants the motion with prejudice.

It is so directed.

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



CAROL NOLAN DRAKE, CHAIRMAN

I certify that this document was filed and a copy served upon each party by regular U.S. mail, this 28th day of March, 2003.



SANDRA A.M. IVERSEN, ADMINISTRATIVE ASSISTANT