STATE EMPLOYMENT RELATIONS BOARD

STATE OF OHIO

MINUTES

The State Employment Relations Board met on Thursday, May 8, 2003, at 10:00 a.m., at 65 East State Street, Columbus. Present at the meeting were Chairman Drake, Vice Chairman Gillmor, and Board Member Verich.

I. APPROVAL OF MINUTES FOR PREVIOUS MEETING:

Vice Chairman Gillmor moved that the Minutes for the regular meeting on April 24, 2003, be approved. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

There were no Mediation matters for this Board Meeting.

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 02-REP-10-0209 — General Truck Drivers, Chauffeurs and Helpers, Local Union No. 957 and City of Trotwood, May 21, 2003

2. Case 03-REP-02-0022 — Ohio Nurses Association/ANA/UAN and Huron County General Health District, June 3, 2003

3. Case 03-REP-02-0031 — Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Delaware County Engineer, June 5, 2003

In Case 02-REP-10-0209, the Employee Organization filed a Petition for Representation seeking to represent certain employees of the Employer. The Employer responded by filing objections. In Case 03-REP-02-0022, the Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Employer responded by filing objections and a Petition for Representation Election. In Case 03-REP-02-0031, the Employee Organization filed a Petition for Representation Election seeking to represent certain employees of the Employer. The parties have subsequently entered into Consent Election Agreements. Board Member Verich moved that the Board approve the Consent Election Agreements and direct elections to be conducted on the dates as indicated. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

4. Case 02-REP-11-0222 — Fraternal Order of Police, Ohio Labor Council, Inc. and Metro Parks Serving Summit County

5. Case 03-REP-04-0064 — Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and City of Ravenna

6. Case 03-REP-04-0065 — Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Sandusky County Department of Job and Family Services

The Employee Organizations are the exclusive representatives of certain employees of the respective Employers. In Case 02-REP-11-0222, the Employee Organization filed a Petition for Amendment of Certification seeking to amend the certification to reflect the Employer's correct name. The Employer filed a letter confirming the name change. In Case 03-REP-04-0064, the parties have jointly filed a Petition for Amendment of Certification seeking to amend the certification to reflect the inclusion of Property Maintenance Officer and Laborers to the existing unit. In Case 03-REP-04-0065, the parties have jointly filed a Petition for Amendment of Certification seeking to amend the certification by correcting job titles and adding new classifications to the existing unit. Vice Chairman Gillmor moved that the Board construe the Petition in Case 02-REP-11-0222 as a joint filing, approve the jointly filed petitions, and amend the units accordingly. Chairman Drake called for the vote.

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

7. Cases 03-REP-03-0041 — Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO and State of Ohio

03-REP-03-0042 — Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO and State of Ohio

Chairman Drake recused herself. The Employee Organization is the Board-certified exclusive representative of State Bargaining Unit 14, which includes certain employees of the Employer. The Employer filed a Petition for Amendment of Certification and a Petition for Clarification of Bargaining Unit seeking to exclude employees who must be licensed to practice law to perform their duties per House Bill 675. The Employee Organization filed a position statement opposing both filings. The Employee Organization has filed a lawsuit challenging the constitutionality of House Bill 675, and has filed a motion to stay these cases pending resolution of the lawsuit. The Employer did not oppose the motion to stay. Board Member Verich moved that the Board dismiss without prejudice the Employer's Petition for Clarification of Bargaining Unit, deny the Employee Organization's Motion to Stay, approve the Employer's Petition for Amendment of Certification pursuant to Ohio Revised Code § 4117.01(C)(19), and amend State Bargaining Unit 14 accordingly. Board Member Gillmor seconded the motion and called for the vote.

Vote: DRAKE Recuses GILLMOR Aye VERICH Aye
Affirmed X Denied __

8. Case 02-REP-09-0193 — Teamsters Local Union #436 and City of Hudson

The Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The Employee Organization filed a Petition for Amendment of Certification seeking to amend the existing unit to include Grounds Maintenance Workers. The Employer filed a position statement opposing the amendment. Vice Chairman Gillmor moved that the Board direct this case to hearing to determine an appropriate bargaining unit and for all other relevant issues, and direct the parties to mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Cases 02-ULP-10-0667, 02-ULP-10-0668 — SERB v. Eastern Local Classroom Teachers Association, OEA/NEA and Eastern Local School Support Personnel Association, OEA/NEA

On October 11, 2002, the Charging Party filed unfair labor practice charges with SERB. On December 12, 2002, SERB found probable cause to believe that the Respondents had committed unfair labor practices, consolidated the cases, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to unfair labor practice mediation. On March 7, 2003, the parties filed a joint motion to transfer the case from the Hearings Section to the Board. On April 17 and 18, 2003, the parties filed their briefs, stipulations of fact, and stipulations of evidence. Board Member Verich moved that the Board transfer this case from the Hearings Section to the Board for a decision on the merits. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

2. Cases 02-ULP-05-0350 through 02-ULP-05-0353 02-ULP-05-0377 through 02-ULP-05-0381

SERB v. Greater Stark County AFL-CIO Council, Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO, et al.

On May 22 and 31, 2002, the Charging Parties filed unfair labor practice charges with SERB. On October 29, 2002, the parties filed a settlement agreement that resolved the underlying dispute. On November 26, 2002, SERB construed the settlement agreement as a motion to dismiss; granted the motion; dismissed the complaint; and dismissed with prejudice the unfair labor practice charges. On February 3, 2003, the Respondents filed a motion to vacate the settlement agreement and to reinstate these unfair labor practice charges, contending that the Charging Parties had failed to comply with the terms of the settlement agreement. On February 10, 2003, the Intervenors filed their response to the motion. On April 4, 2003, the Respondents filed the affidavit of Dan Sciury, President of the Greater Stark County AFL-CIO Council. On April 18, 2003, the Intervenors filed a response to the affidavit. From the materials provided, it is unclear whether the Intervenors have fully complied with the settlement agreement. Vice Chairman Gillmor moved that the Board direct the matter to a show cause hearing to determine whether the Charging Parties have fully complied with the settlement agreement and, if not, what acts must be taken to be in compliance or, in the alternative, whether the unfair labor practice charges and the complaint should be reinstated. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

3. Case 01-ULP-02-0083 SERB v. City of Cleveland

On February 12, 2001, the Charging Party filed an unfair labor practice charge with SERB. On October 19, 2001, the parties filed a settlement agreement that resolved the underlying dispute. On November 1, 2001, SERB approved and adopted the settlement agreement; construed the settlement agreement as a motion to dismiss; granted the motion; dismissed the complaint; and dismissed with prejudice the unfair labor practice charge. On February 7, 2003, the Charging Party filed a motion to show cause, contending that the Respondent had failed to comply with the terms of the settlement agreement. On March 12, 2003, the motion was sent to the Respondent's listed representative who had previously filed a Notice of Appearance in this case. On April 11, 2003, the Respondent filed its response to the motion. On April 21, 2003, the Respondent submitted supplemental information concerning this matter. From the materials provided, whether the Respondent has fully complied with the settlement agreement is a matter that must be addressed through a hearing on the motion to show cause. Board Member Verich moved that the Board direct this matter to a show cause hearing to determine whether the Respondent has complied with the settlement agreement and, if not, what acts must be taken to be in compliance. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

4. Case 02-ULP-09-0611 Ohio Patrolmen's Benevolent Association v. City of Warrensville Heights

5. Case 02-ULP-11-0722 Chesapeake Local Teachers Association, OEA/NEA v. Chesapeake Exempted Village School District Board of Education

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

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

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

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

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

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 03-ULP-02-0054 Mary Lou Dunn v. Fraternal Order of Police, Ohio Labor Council, Inc.

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(2), (3), and (6) by failing to fairly represent the Charging Party. Information gathered during the investigation reveals the Charged Party represented the Charging Party. No information was provided to show the Charged Party's actions were arbitrary, discriminatory, or in bad faith. The Charging Party failed to provide information to show that an Ohio Revised Code § 4117.11(B)(3) violation occurred. The Charging Party lacked standing to file an Ohio Revised Code § 4117.11(B)(3) charge. 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 __

2. Case 03-ULP-02-0058 Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO v. State of Ohio, Department of Rehabilitation and Correction, Ross Correctional Institution

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), and (8) by refusing to provide union representation at an interview where the employee reasonably believed discipline may result. Information gathered during the investigation reveals Correction Officer Greg Radcliff was advised he would not receive discipline. The Charging Party failed to provide information to show that Ohio Revised Code § 4117.11(A)(2) and (3) violations occurred. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

3. Case 03-ULP-02-0076 Ohio Patrolmen's Benevolent Association v. City of Columbiana

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally implementing a drug and alcohol testing policy. Information gathered during the investigation reveals the Charged Party had an obligation to negotiate the drug and alcohol testing policy, which affects wages, hours, and terms and conditions of employment. 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 unilaterally implementing a drug and alcohol testing policy, 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 _

4. Case 02-ULP-11-0787 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 274 v. Green Local School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by bargaining in bad faith. Information gathered during the investigation reveals the Charged Party did not implement the final offer after it was rejected. The information requested is not available to the Charged Party. The Charging Parties did not demonstrate how the information vitally affects the bargaining unit. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

5. Case 03-ULP-02-0068 Fraternal Order of Police, Ohio Labor Council, Inc. v. Hamilton County Sheriff's Office and Simon L. Leis, Jr.

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally issuing two new policies and procedures affecting terms and conditions of employment. Information gathered during the investigation reveals mandatory overtime was addressed in negotiations. The Charged Parties have bargained the right to establish performance evaluations. 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 Parties. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

6. Case 03-ULP-02-0066 Summit County Children Services v. Communications Workers of America, Local 4546

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (3) by refusing to agree to reasonable negotiation ground rules, ignoring the Charging Party's objections and tape recording negotiations, refusing to negotiate until the Charging Party allowed the extra employer-paid union negotiator, and refusing to allow the Charging Party to select and determine the composition of its negotiating team. Information gathered during the investigation reveals hard bargaining over the ground rules is not bad-faith bargaining. Using a tape recorder during negotiations over the other party's objection violates the statute. Inquiries or comments about a new member on the Charging Party's negotiating team or financing negotiations does not rise to the level of a violation. 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 an expedited hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (3) by tape recording negotiations over the Charging Party's objections, 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 _

7. Case 03-ULP-02-0067 Fraternal Order of Police, Ohio Labor Council, Inc. v. Hamilton County Sheriff's Office and Simon L. Leis, Jr.

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally adding duties to court service officers. The Charged Parties filed a motion to dismiss. Information gathered during the investigation reveals the Charged Parties failed to negotiate the changes in the duties during contract negotiations. Board Member Verich moved that the Board deny the motion to dismiss, find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, and refer the matter to hearing to determine if the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally adding duties to court service officers, 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 _

8. Case 02-ULP-12-0791 Fraternal Order of Police, Ohio Labor Council, Inc. v. Columbiana County Sheriff's Office

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) by threatening and harassing Deputy Marvin McKenzie, and denying him his extra work assignment when he filed a grievance, and by coercing him into withdrawing his grievance. Information gathered during the investigation reveals the Charging Party failed to provide any information that supports the allegations. 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 _

9. Case 03-ULP-02-0096 Ohio Patrolmen's Benevolent Association v. City of Galion and Chief Rick Shifley

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) and (8) by threatening a witness for the Charging Party with an adverse employment action in the event he provided information in support of the grievant. Information gathered during the investigation reveals threatening a nonunion employee not to testify interferes with or restrains a bargaining-unit employees' right to pursue a grievance. Board Member Verich moved that the Board deny the motion to dismiss, find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, and refer the matter to hearing to determine if the Charged Parties violated Ohio Revised Code § 4117.11(A)(1), but not (A)(8), by interfering with or restraining a bargaining-unit employees' right to present his grievance and have it adjusted through threatening his witness with dismissal in the event the witness provided information in support of the grievance, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

10. Case 02-ULP-12-0821 Michael Puls v. Cincinnati Fire Fighters Union, Local 48, IAFF

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to represent the Charging Party in a grievance because the contractual violation benefited a Charged Party representative. Information gathered during the investigation reveals the Charged Party represented the Charging Party. The Charging Party decided to seek private representation. The Charged Party was under no obligation to pay for the Charging Party's private counsel. The Charged Party's actions were not arbitrary, discriminatory, or in bad faith. Allegations prior to September 23, 2002, occurred more than 90 days before the charge was filed with the Board. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party and as untimely filed as it pertains to events occurring before September 23, 2002. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

11. Case 03-ULP-02-0071 Cuyahoga Metropolitan Housing Authority v. Service Employees International Union, Local 47

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(3) by introducing new bargaining issues during fact finding. Information gathered during the investigation reveals that fact finding included wages. The new wage proposal did not constitute bad-faith bargaining. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

12. Case 03-ULP-01-0032 Putnam County Education Association, OEA/NEA v. Putnam County Educational Service Center

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by retaliating against bargaining-unit employees in the exercise of guaranteed rights, and engaging in direct dealing and bad-faith bargaining. Information gathered during the investigation reveals the memorandums to the employees were factual, and negotiations were finished. Implementing a wage increase for employees based on the arbitrator's ruling is not acting in bad faith. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

13. Cases 03-ULP-02-0069 Monroe Bynum v. Cleveland Metroparks Employees Association

03-ULP-03-0125 Monroe Bynum v. Cleveland Metroparks

The unfair labor practice charges allege the Charged Parties violated Ohio Revised Code §§ 4117.11(B)(1), (3), and (6) and (A)(1), (3), (6), and (8), by failing to fairly represent the Charging Party, by not processing his grievance regarding his bid for a position, and by terminating him because he filed a grievance. Information gathered during the investigation reveals the Charging Party signed for a letter on June 6, 2002, advising him the union grievance committee would not advance his grievance further. The union's actions were not arbitrary, discriminatory, or in bad faith. The employer terminated the Charging Party's employment because he had completed the temporary program for which he was hired and did not have a full-time position for which he was qualified. Knowledge of the alleged violations occurred more than 90 days before the charges were filed with the Board. Board Member Verich moved that the Board dismiss the charges with prejudice for lack of probable cause to believe that unfair labor practices have been committed by the Charged Parties and as untimely filed. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

14. Case 03-ULP-02-0101 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 252 v. Rock Hill Local School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by refusing to consider grievants for positions because they advanced their grievances to arbitration. Information gathered during the investigation reveals the Charged Party made a statement that if the grievants had not advanced their grievances they may have been considered for vacant positions. 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, and refer the matter to hearing to determine if the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) and (3) by deciding against considering the grievants for positions because they had filed grievances, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

15. Cases 03-ULP-03-0114 03-ULP-03-0115 Urbana Firefighters, IAFF Local 1823 v. City of Urbana

The unfair labor practice charges allege the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally eliminating the tuition loan program. Information gathered during the investigation reveals the Charged Party unilaterally eliminated the past practice of the interest-free tuition loan program. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, consolidate the cases, authorize the issuance of a complaint, and refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally eliminating the tuition loan program for employees not already enrolled in the program, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

16. Case 02-ULP-12-0827 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 274 v. Green Local School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by unilaterally implementing new and revised work rules. Information gathered during the investigation reveals the Charged Party unilaterally adopted new and revised work rules that affect terms and conditions of employment. The Charging Parties have failed to provide information to show that an Ohio Revised Code § 4117.11(A)(3) violation occurred. 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, and refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5), but not (A)(3), by unilaterally implementing new and revised work rules, 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 _

17. Case 03-ULP-03-0105 Barbara Ann Owens v. City of Cleveland

The Charging Party filed an unfair labor practice charge with SERB. The Charging Party has failed to provide a clear and concise statement of facts constituting an alleged violation of the statute. Board Member Verich moved that the Board dismiss the charge without prejudice due to the Charging Party's failure to provide a clear and concise statement of the facts constituting the alleged violation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

18. Case 02-ULP-12-0828 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 274 v. Green Local School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (4) by advising union members and officers who attended the SERB mediation session on November 21, 2002, that their pay would be decreased or personal leave balances cut. Information gathered during the investigation reveals no individuals were parties to the SERB charge, and no individuals were subpoenaed to attend the SERB mediation meeting. 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 _

19. Case 03-ULP-04-0197 International Brotherhood of Teamsters, Local 957 v. City of Miamisburg

20. Case 03-ULP-03-0159 Ohio Patrolmen's Benevolent Association v. City of Oberlin

21. Case 03-ULP-02-0084 State of Ohio, Department of Mental Retardation and Developmental Disabilities, Southwest Developmental Center v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO and Penny Lewis

22. Case 03-ULP-03-0103 Athens County Board of Mental Retardation and Developmental Disabilities v. ATCO-Beacon Education Association, OEA/NEA

23. Case 03-ULP-04-0191 International Union of Police Associations, Local 207 v. Lorain County Sheriff's Office and Sheriff Phil R. Stammitti

24. Case 03-ULP-03-0111 — Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 7010 v. State of Ohio, Department of Rehabilitation and Correction, Mansfield Correctional Institution

Board Member Verich moved that the Board construe the letters and settlement requesting withdrawal as motions to withdraw, and grant all motions with prejudice in the above-cited cases. 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. Labor Relations Section Administrator Alan Bonham had mentioned that item 18 in the unfair labor practice section for today's meeting was the last 2002 case for the Board's action. Acting Executive Director Russ Keith also mentioned that one of SERB's oldest cases is still active, SERB v. Fort Frye Local School District Board of Education, which was accepted on appeal by the Ohio Supreme Court.

2. Chairman Carol Drake stated that this week was Public Employee Recognition Week. The agency will have a luncheon sometime in June to acknowledge and thank all of the employees at SERB along with presenting any service pins to eligible employees.

3. Mr. Keith discussed the Professional Development Fund and how it could benefit employees who wish to go to the Association of Labor Relations Agencies (ALRA) Conference. Some interest had been expressed from employees desiring to go to ALRA, and questioned if expenses would be paid. If the fund were used, the employee would still be on a work status and not have to use leave time, but would have to pay for lodging, meals, and travel expenses. Vice Chairman Gillmor moved that the Board send Chairman Drake, the Executive Director, and Tom Worley to the ALRA Conference. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

Mr. Keith stated if employees want to go to attend the ALRA Conference at their own expense, he would inform the Board and would approve as Acting Executive Director.

4. Chairman Drake discussed SERB's upcoming participation in the Governor's Fitness Challenge.

VII. 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 GILLMOR Aye VERICH Aye
Affirmed X Denied _

Carol Nolan Drake

Carol Nolan Drake, Chairman