

STATE EMPLOYMENT RELATIONS BOARD

STATE OF OHIO

MINUTES

The State Employment Relations Board met on Thursday, May 22, 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 May 8, 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 03-REP-03-0057                      Ravenna Township Fire Fighters Association and Ravenna Township, Portage County

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The substantial evidence is sufficient, and no objections have been filed. The Employer has complied with the posting requirements set forth in Ohio Revised Code § 4117.05(A)(2). 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

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2. Case 03-REP-01-0011 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Chillicothe

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Employer filed objections. The Employee Organization filed a motion to withdraw. Vice Chairman Gillmor moved that the Board grant the Employee Organization's motion to withdraw, and dismiss without prejudice the Request for Recognition. 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-REP-04-0072 James W. Laskowski and Maple Heights Drivers Association and City of Maple Heights

The Petitioner filed a Petition for Decertification Election seeking to displace the Incumbent Employee Organization as the exclusive representative of certain employees of the Employer. The Petitioner failed to serve the Incumbent Employee Organization as required per Ohio Administrative Code Rule 4117-1-02(B). Board Member Verich moved that the Board dismiss without prejudice the Petition for Decertification Election. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied   

4. Case 03-REP-04-0068 Perry Fire Fighters Association, IAFF Local 3003 and Perry Fire District

5. Case 03-REP-04-0070 Strongsville Education Association, OEA/NEA and Strongsville City Board of Education

6. Case 03-REP-04-0074 Berne Union Education Association, OEA/NEA and Berne Union Local School District

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7. Case 02-REP-05-0084 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and City of Green

The Employee Organizations are the exclusive representatives of certain employees of the respective Employers. In Case 03-REP-04-0068, the parties jointly filed a Petition for Amendment of Certification seeking to amend the certification to reflect the inclusion of Shift Captain to the bargaining unit and to change the Employer's name to Perry Fire District. In Case 03-REP-04-0070, the parties jointly filed a Petition for Amendment of Certification seeking to amend the certification to correctly describe the included portion of the existing unit and to exclude several positions. In Case 03-REP-04-0074, the parties jointly filed a Petition for Amendment of Certification seeking to amend the certification to reflect current contract language and to change the Employee Organization's name. In Case 02-REP-05-0084, the Employer filed a Petition for Amendment of Certification seeking to amend the existing unit to exclude the newly created position of Parks and Recreation Coordinator. The Employee Organization filed a position statement opposing the amendment. The case was directed to hearing on March 13, 2003. A mediation conference was held on March 18, 2003. As a result of mediation, the Employee Organization filed a letter withdrawing the objections and agreeing to exclude the Parks and Recreation Coordinator from the existing bargaining unit. Vice Chairman Gillmor moved that the Board in case 02-REP-05-0084 construe the Employer's petition as jointly filed, 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   

8. Case 02-REP-11-0236 Perry Township Fire Fighters Association, IAFF Local 3003 and Perry Township Board of Trustees, Lake County

The Employee Organization filed a Petition for Amendment of Certification seeking to add Captains to the existing bargaining unit. The Employer filed a position statement opposing the amendment. The Employee Organization filed a letter withdrawing the Petition for Amendment of Certification. Board Member Verich moved that the Board construe the Employee Organization's letter as a motion to withdraw, grant the motion, and dismiss without prejudice the Petition for Amendment of Certification. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
         Affirmed X                      Denied

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9. Case 02-REP-12-0243 Owens Faculty Association-AFT/OFT and Owens Community College

The Employee Organization filed an amended Opt-in Request for Recognition seeking to represent certain employees of the Employer and to add them to an existing unit. The Employer filed objections and a Petition for Representation Election. The Employee Organization filed a position statement clarifying the positions they seek to include and those they assert should be excluded. The Employer filed a position statement agreeing with the Employee Organization's proposed unit except for child-care and library personnel, and maintains these positions do not share a community of interest with the faculty/counselor unit. Vice Chairman Gillmor moved that the Board direct the matter 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   

10. Case 01-REP-10-0257 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Canal Fulton

The Employee Organization is the Board-certified exclusive representative for certain employees of the Employer. The Employee Organization filed a motion to revoke certification. The parties confirm that no contract exists. Board Member Verich moved that the Board grant the motion and revoke the Employee Organization's certification. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied   

11. Case 02-REP-12-0244 Fraternal Order of Police, Ohio Labor Council, Inc. and Hamilton Township Police Department, Warren County

- There was 1 ballot cast
- There were 0 challenged ballots
- No Representative received 0 votes
- Fraternal Order of Police, Ohio Labor Council, Inc. received 1 vote and has prevailed in this election.

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

- There were 7 ballots cast
- There were 0 challenged ballots
- No Representative received 1 vote
- Fraternal Order of Police, Ohio Labor Council, Inc. received 6 votes and has prevailed in this election.

Vice Chairman Gillmor 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 unit. 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. Case 02-ULP-06-0431 SERB v. Toledo Area Regional Transit Authority

Board Member Verich moved that the Board adopt the Findings of Fact, Analysis and Discussion, and Conclusions of Law in the Proposed Order, finding that the Respondent did not violate Ohio Revised Code §§ 4117.11(A)(1), (A)(3), or (A)(4) when it did not promote the Charging Party, 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 \_\_

2. Case 03-ULP-02-0048 Fraternal Order of Police, Ohio Labor Council, Inc. v. Mahoning County Sheriff

On February 3, 2003, the Charging Party filed an unfair labor practice charge against the Charged Party. On April 24, 2003, the Board found probable cause. On May 8, 2003, the parties filed a settlement agreement that resolved the underlying dispute. In the agreement, the parties requested that the Board construe the settlement as a motion by the Charging Party to withdraw the charge with prejudice. Vice Chairman Gillmor moved that the Board approve and adopt the settlement agreement, construe the settlement agreement as a motion to withdraw, grant the motion, and dismiss with prejudice the unfair labor practice charge. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 03-ULP-01-0040 Articia V. McClure v. Amalgamated Transit Union, Local 268

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to fairly represent the Charging Party by not processing her grievance. Information gathered during the investigation reveals the Charging Party never formally filed a grievance. Knowledge of the alleged violation in 2001 occurred more than 90 days before the charge was filed with the Board. 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. 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-03-0165 Frank Prato v. State of Ohio, Department of Rehabilitation and Correction, Ohio State Penitentiary and Robert Elias

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by improperly and illegally forcing the Charging Party into disability separation. Information gathered during the investigation reveals the State Personnel Board of Review, not SERB, has jurisdiction to hear appeals from final decisions regarding disability separations. Knowledge of the alleged violations 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 Parties and as untimely filed. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
         Affirmed X                      Denied

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3. Case 03-ULP-02-0099 Communications Workers of America, Local 4546 v. Summit County Children Services

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by refusing to alternately strike fact-finder names pursuant to Ohio Revised Code § 4117.14. Information gathered during the investigation reveals no harm occurred because a fact finder was appointed by the State Employment Relations Board. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied   

4. Case 03-ULP-02-0081 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO v. Scioto County Board of Mental Retardation and Developmental Disabilities

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by retaliating against Mr. Stefan Evans for his exercise of guaranteed rights. Information gathered during the investigation reveals the Charging Party was terminated after he was active in organizing the union. Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by terminating Mr. Evans' employment in retaliation for his exercise of guaranteed rights, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied

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5. Case 03-ULP-02-0059 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 736 v. Eastwood 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 informing Martha Jarchow that she was not adequately represented by the Charging Parties during a grievance hearing. Information gathered during the investigation reveals the comment, if true, does not rise to a level of a violation. No proposals regarding the grievance were exchanged, and the grievance was advanced to the next level. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied   

6. Case 03-ULP-02-0088 Fraternal Order of Police, Ohio Labor Council, Inc. v. Village of Ada

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 Charging Party did not review financial data on what the Charged Party could afford regarding wages before agreeing to the contract. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied

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7. Case 03-ULP-03-0136 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 345 v. Fairland 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 Barbara Ward's request for release time to attend a union executive board meeting in retaliation for her exercise of guaranteed rights. Information gathered during the investigation reveals the contract does not permit the type of union leave Ms. Ward requested. Ms. Ward was not denied leave because she engaged in protected activities. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied   

8. Case 03-ULP-02-0098 Mahoning County Department of Job and Family Services v. Helen Youngblood

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by the Charging Party's actions in response to a disciplinary recommendation. Information gathered during the investigation reveals the Charging Party lacks standing to file an Ohio Revised Code § 4117.11(B)(6) charge. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of standing to file an Ohio Revised Code § 4117.11(B)(6) allegation. 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-03-0104 Fraternal Order of Police, Ohio Labor Council, Inc. v. City of Canal Fulton

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (5), (6), and (8) by refusing to process grievances to arbitration because it does not acknowledge the grievance process negotiated by the parties. Information gathered during the investigation reveals the Charged Party has engaged in bad-faith bargaining and is refusing to arbitrate grievances. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to an expedited hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (5), (6), and (8) by refusing to process grievances, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied

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10. Case 03-ULP-03-0141 International Brotherhood of Teamsters  
Local Union No. 654 v. Clark County  
Board of Mental Retardation and  
Developmental Disabilities

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by unilaterally terminating longevity pay after union certification, and by informing employees that longevity pay could or would be paid if they decertified the Charging Party. The Charging Party filed a motion to expedite the investigation. Information gathered during the investigation reveals the policies affect nonrepresented employees and were in effect prior to the filing of the representation petition. The alleged comments reiterate the policies and do not constitute a violation. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party, and deny the motion to expedite as moot. 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-03-0156 Ohio Civil Service Employees  
Association, AFSCME Local 11, AFL-  
CIO v. State of Ohio, Department of  
Rehabilitation and Correction, Lorain  
Correctional Institution

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), (5), and (8) by refusing Pascal Boutros representation by Union Steward Tony Mudrock during a predisciplinary hearing. Information gathered during the investigation reveals the meeting was not investigatory. The issue is contractual rather than a statutory matter, and would be best addressed through the parties' grievance-arbitration process. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
         Affirmed X                      Denied

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12. Case 03-ULP-01-0044 Communications Workers of America,  
Local 4501 v. The Ohio State University

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charging Party has failed to provide a clear and concise statement of facts constituting an alleged violation. Vice Chairman Gillmor 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. 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-03-0127 Gladys K. Elliott v. Ohio Association  
03-ULP-03-0128 of Public School Employees, AFSCME  
03-ULP-03-0129 Local 475, AFL-CIO, Greg Krusinski,  
03-ULP-03-0130 Michael Pawlake, Sue Cahen, and Matt  
Ladd

The unfair labor practice charges allege the Charged Parties violated Ohio Revised Code § 4117.11(B)(2), (3), (4), and (6) by failing to fairly represent the Charging Party and not holding regularly scheduled meetings. Information gathered during the investigation reveals the Charging Party was represented by the Charged Parties and opted to arrange a back-to-work settlement and to temporarily process her grievance on her own. The Charged Parties' actions were not arbitrary, discriminatory, or in bad faith. There was no information provided regarding the union meetings or to show that Ohio Revised Code § 4117.11(B)(2), (3), or (4) violations occurred. 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. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

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14. Case 03-ULP-02-0074 Communications Workers of America, Local 4546 v. Summit County Children Services

The unfair labor practice charges allege the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by meeting with bargaining-unit employees during negotiations, by asking about bargaining proposals, and by passing on false information regarding negotiations and the union. Information gathered during the investigation reveals no bargaining proposals were discussed, and that no evidence of false information was provided. 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   

15. Case 03-ULP-02-0062 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 784 v. Tri-County Joint Vocational School District

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by refusing to award a day-shift position to Union Vice President Scott Addis because of his union activities. Information gathered during the investigation reveals Mr. Addis was not awarded the position for reasons other than his protected activities. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied

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16. Case 03-ULP-01-0002 International Brotherhood of Teamsters,  
Local 20 v. City of Toledo

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) by initiating disciplinary action against a union steward because he engaged in protected activities. Information gathered during the investigation reveals the Charged Party's actions interfered with, restrained, or coerced Chief Steward Gregory Kneller in the exercise of his guaranteed rights. 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) by initiating disciplinary action against Union Steward Gregory Kneller because he engaged in protected activities, 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-02-0075 Communications Workers of America,  
Local 4546 v. Summit County Children  
Services

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by refusing to negotiate until the Charging Party agreed to the Charged Party's ground rules, making stenographic recordings of the negotiations against the Charging Party's objections, attempting to define the role of one of the Charging Party's negotiators, and failing to give bargaining authority to the Charged Party's chief negotiator. Information gathered during the investigation reveals the use of a stenographer for note-taking during negotiations may have a chilling effect on negotiations. Suggesting a negotiator take notes is not a violation, and no evidence was provided demonstrating the chief negotiator did not have authority to bargain. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, coordinate this case with Case 03-ULP-02-0066, authorize the issuance of a complaint, refer the matter to an expedited hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by making stenographic recordings of the negotiations against the Charging Party's objections, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied

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18. Case 03-ULP-02-0100 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 new policies and procedures with respect to performance evaluation ratings. Information gathered during the investigation reveals the Charged Parties implemented new policies and procedures for performance evaluation ratings after negotiations were completed. 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 Parties violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally issuing new policies and procedures with respect to performance evaluation ratings, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied   

19. Case 03-ULP-02-0091 Michael Jacobs v. Sycamore Community School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), (6), and (8) by unilaterally changing one job classification into two job classifications, and refusing to hear the Charging Party's grievances. Information gathered during the investigation reveals the job reclassification is not a violation. The Charged Party refused to hear the Charging Party's grievances because the Union did not approve them for processing. 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 (6), but not (A)(3) or (8), by refusing to timely process the Charging Party's grievances because they had not been approved for processing by his union, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied

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20. Cases 03-ULP-02-0092 Michael Jacobs v. Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO, Chapter 243
- 03-ULP-02-0093 Michael Jacobs v. Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO, Chapter 243, and William McMillen

The unfair labor practice charges allege the Charged Parties violated Ohio Revised Code § 4117.11(B)(1), (2), and (6) by consenting to job classification changes, advising the Charging Party that he is temporary help without seniority rights, and refusing to process his grievances. Information gathered during the investigation reveals the contract provides for the classification changes and agreeing to the changes does not rise to the level of a violation. The Charged Parties did interfere with the Charging Party's right to file grievances. Vice Chairman Gillmor moved that the Board find probable cause to believe unfair labor practices have been committed, consolidate the charges and coordinate them with Case 03-ULP-02-0091, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Parties violated Ohio Revised Code § 4117.11(B)(1) and (6), but not (B)(2), by interfering with the processing of the Charging Party's 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   

21. Case 03-ULP-02-0094 United Riverside Education Association, OEA/NEA v. Riverside Local School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), (4), and (5) by discriminating against John Hickman because of his protected activities. Information gathered during the investigation reveals Mr. Hickman was a union activist and former Union President who received an adverse action after a settlement agreement was reached. The timing and manner of the Charged Party's actions are questionable. Board Member Verich moved that the Board find probable cause to believe unfair labor practices have been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (4), but not (A)(5), by discriminating against John Hickman because he filed and processed numerous unfair labor practice charges and grievances against the Charged Party, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                              Denied

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22. Cases 03-ULP-03-0142 Ohio Patrolmen's Benevolent Association v. Geauga County Board of Commissioners
- 03-ULP-03-0144 Ohio Patrolmen's Benevolent Association v. Geauga County Board of Commissioners and Mary Elizabeth Vaughn

The unfair labor practice charges allege the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally changing the bargaining-unit employees' health benefits. Information gathered during the investigation reveals the Charged Parties acted in its role as a legislative body and not as the public employer. Vice Chairman Gillmor moved that the Board dismiss the charges with prejudice for lack of jurisdiction. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied   

23. Case 03-ULP-03-0143 Ohio Patrolmen's Benevolent Association v. Geauga County Sheriff

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally implementing a new health care coverage and benefits program that substantially reduces the coverage and benefits of bargaining-unit employees. Information gathered during the investigation reveals the Charged Party did not bargain the effects of the change in health care coverage. Board Member Verich moved that the Board find probable cause to believe that 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 failing to bargain over the effects of a new health care coverage and benefits 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



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26. Case 03-ULP-03-0106 Conneaut Fire Fighters Association,  
Local 651, IAFF v. City of Conneaut

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally abolishing the Assistant Fire Chief position. Information gathered during the investigation reveals the Charged Party unilaterally changed a deemed-certified bargaining unit. Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally abolishing the Assistant Fire Chief's position, 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   

27. Case 03-ULP-02-0072 Toby W. Schrader v. Communications  
Workers of America and Mike Good

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11. Information gathered during the investigation reveals the Charging Party has failed to respond to requests for information. Board Member Verich moved that the Board dismiss the charge with prejudice because the Charging Party failed to pursue the matter. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied   

28. Case 03-ULP-01-0029 City of Urbana v. Fraternal Order of  
Police, Ohio Labor Council, Inc., et al.

29. Case 03-ULP-04-0217 International Brotherhood of Teamsters,  
Local 436 v. City of Macedonia

30. Case 03-ULP-01-0021 Ontario Federation of Teachers, Local  
1703, AFT AFL-CIO v. Ontario Local  
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31. Case 03-ULP-03-0160 Canton Police Patrolman's Association v. City of Canton

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

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

VI. ADMINISTRATIVE MATTERS

1. Acting Executive Director Russ Keith asked that the Board approve the amended minutes for the April 10 and 24, 2003 meetings. An incorrect day of the week was reflected on the minutes when approved listing the meetings to be on a Tuesday instead of a Thursday. Board Member Verich moved that the amended minutes for the April 10 and 24, 2003 meetings be approved as corrected. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

2. Mr. Keith introduced to the Board Jason Hovance as a summer extern. Mr. Hovance is from Capital University Law School.

Chairman Drake acknowledged David Long in the audience. Mr. Long is the Ohio Association of Public School Employees' representative attending the board meeting, and he introduced two of their summer interns to the Board.

3. Vice Chairman Gillmor moved that the Board go into executive session, pursuant to Ohio Revised Code Section 121.22(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 \_\_

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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  
Affirmed X

GILLMOR Aye  
Denied   

VERICH Aye



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Carol Nolan Drake, Chairman