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3. Case 03-MED-06-0730 Communications Workers of America and Village of Mingo Junction

On June 30, 2003, the Employee Organization filed a notice to negotiate. The Employee Organization filed a request to withdraw its notice to negotiate involving the Employer. The Employee Organization filed the notice to negotiate in error. Board Member Verich moved that the Board construe the request to withdraw as a motion to withdraw and grant the motion to withdraw the notice to negotiate. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

4. New Applicants for Roster of Neutrals

General Counsel Russ Keith recommended that the Board move this item to the end of the agenda to be discussed with Administrative Matters.

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 03-REP-04-0077 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Troy

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

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

2. Cases 03-REP-07-0126 Lafayette Township Police Sergeants Unit, Fraternal Order of Police, Lodge 15 and Lafayette Township, Medina County

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3. Case 03-REP-07-0125 Lafayette Township Police Patrol Unit, Fraternal Order of Police, Lodge 15 and Lafayette Township, Medina County

The Employee Organizations filed Requests for Recognition seeking to represent certain employees of the Township. According to the current federal census, the population in the unincorporated portion of the Township is less than 5,000. Therefore, the Township is not a "public employer" as defined by O.R.C. § 4117.01(B), and the Board lacks jurisdiction. Board Member Verich moved that the Board dismiss the Requests for Recognition for lack of jurisdiction in the related cases. 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-04-0066 Billie Ledford and Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Warren County Board of Mental Retardation and Developmental Disabilities

Vice Chairman Gillmor moved that the Board construe the Petitioner's letter as a motion to withdraw, grant the motion, and dismiss without prejudice the Petition for Decertification Election. 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-05-0080 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Warrensville Heights, August 27, 2003
6. Case 03-REP-02-0029 Ohio Patrolmen's Benevolent Association and City of Solon, August 27, 2003
7. Case 03-REP-05-0085 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Knox County Health Department, September 3, 2003

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8. Case 02-REP-12-0243

Owens Faculty Association-AFT/OFT
and Owens Community College,
September 3, 2003

In Case 03-REP-05-0080, the Rival Employee Organization filed a Petition for Representation Election seeking to displace the Incumbent Employee Organization, which is the Board-certified exclusive representative of certain employees of the Employer. The parties have entered into a Consent Election Agreement seeking an election on August 27, 2003. In Case 03-REP-02-0029, the Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Employer responded by filing a Petition for Representation Election. The parties entered into a Consent Election Agreement seeking an election on August 27, 2003. In Case 03-REP-05-0085, the Employee Organization filed a Petition for Representation Election seeking to represent employees of the Employer. The parties have entered into a Consent Election Agreement seeking an election on September 3, 2003. In Case 02-REP-12-0243, the Employee Organization filed an amended Opt-in Request for Recognition seeking to represent certain employees of the Employer, and add them to an existing unit. The Employer responded by filing objections and an Opt-in Petition for Representation Election. On May 22, 2003, the Board directed this case to hearing to determine an appropriate bargaining unit and directed the parties to mediation. As a result of mediation, the parties entered into a Consent Election Agreement seeking a September 3, 2003 election date. 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 <u>Aye</u>	GILLMOR <u>Aye</u>	VERICH <u>Aye</u>
	Affirmed <u>X</u>	Denied <u> </u>	

9. Case 03-REP-02-0039

Ohio Patrolmen's Benevolent
Association and Fraternal Order of
Police, Ohio Labor Council, Inc. and City
of Pataskala

On July 9, 2003, the Board conducted a secret ballot election pursuant to a Consent Election Agreement. The results of the election are ten (10) ballots cast: Ohio Patrolmen's Benevolent Association received five (5) votes; Fraternal Order of Police, Ohio Labor Council, Inc. received five (5); and No Representative received zero (0) votes. Ohio Administrative Code (O.A.C.) Rule 4117-5-09(B) provides that when an election in which there are three choices on the ballot results in no choice receiving a majority of the ballots cast, a runoff election shall be held in which only the two choices receiving the highest number and the second highest number of votes in the original election appear on the ballot. Pursuant to O.A.C. Rule 4117-5-09(B), only those employees who were eligible to vote in the first election shall remain eligible to vote in the runoff election. Vice Chairman Gillmor moved that the Board certify the July 9, 2003

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election results, and direct a runoff election in which only the Ohio Patrolmen's Benevolent Association and the Fraternal Order of Police, Ohio Labor Council, Inc. shall appear on the ballot, to be conducted at a date, time, and place determined by the Representation Section 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

10. Case 03-REP-01-0012 Fraternal Order of Police, Ohio Labor Council, Inc. and Genoa Township Board of Trustees, Delaware County

- There were 12 ballots cast
- There were 0 challenged ballots
- No Representative received 1 vote
- Fraternal Order of Police, Ohio Labor Council, Inc. received 11 votes and has prevailed in this election.

11. Case 03-REP-01-0013 Fraternal Order of Police, Ohio Labor Council, Inc. and Genoa Township Board of Trustees, Delaware County

- There were 3 ballots cast
- There were 0 challenged ballots
- No Representative received 0 votes
- Fraternal Order of Police, Ohio Labor Council, Inc. received 3 votes and has prevailed in this election.

12. Case 03-REP-02-0040 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Pataskala

- There were 3 ballots cast
- There were 0 challenged ballots
- No Representative received 0 votes
- Fraternal Order of Police, Ohio Labor Council, Inc. received 1 vote
- Ohio Patrolmen's Benevolent Association received 2 votes and has prevailed in this election.

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13. Case 02-REP-10-0218 Communications Workers of America, Local 4340, AFL-CIO CLC and Geauga County Department of Water Resources

- There were 27 ballots cast
- There were 0 challenged ballots
- No Representative received 12 votes
- Communications Workers of America, Local 4340, AFL-CIO CLC received 15 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 unit. 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 03-ULP-03-0146 Shawnee Township Board of Trustees, Allen County v. Shawnee Township Fire Fighters, Local 2550, IAFF
2. Case 03-ULP-03-0104 Fraternal Order of Police, Ohio Labor Council, Inc. v. City of Canal Fulton
3. Case 03-ULP-03-0107 Ohio Patrolmen's Benevolent Association v. City of East Cleveland

Vice Chairman Gillmor moved that the Board approve and adopt the settlement agreement, construe the settlement agreement as a motion to dismiss, grant all of the motions, 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

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V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 03-ULP-06-0326 Jesse Crumbley, III v. City of Cleveland, House of Correction and Commissioner Robert Task

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5). The unfair labor practice charge does not appear to set forth any facts alleging a violation of Ohio Revised Code Chapter 4117. Ohio Administrative Code Rule 4117-07-01 requires that a charge provide a clear and concise statement of the facts constituting the alleged violation. The charge appears to be deficient on its face. The Charging Party was notified that a dismissal recommendation would be made to the Board unless the deficiency was corrected. The Charging Party stated that the form he submitted was an amended charge to a previous charge he had submitted, and he was not going to submit anything further. The Charging Party indicated he would consult with an attorney for options other than filing an unfair labor practice charge. Board Member Verich moved that the Board dismiss the charge without prejudice due to 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 commented on how important it is to receive a clear and concise statement of the facts on the charge form from the parties, especially for opposing parties to respond. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

2. Case 03-ULP-05-0248 Fraternal Order of Police, Ohio Labor Council, Inc. v. Darke County Sheriff

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally changing insurance coverage. Information gathered during the investigation reveals the parties' past practice of permitting the legislative body to negotiate and change the Charged Party's insurance plan waives the Charging Party's right to negotiate insurance. 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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3. Case 03-ULP-05-0244 Johnny Brantley v. Southwest Ohio Regional Transit Authority

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (8) by interfering with the Charging Party's guaranteed rights. Information gathered during the investigation reveals the seniority issue was negotiated into the agreement, and no statutory violation occurred. 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-05-0252 Johnny Brantley v. Amalgamated Transit Union, Local 627

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (A)(8) by interfering with the Charging Party's guaranteed rights. Information gathered during the investigation reveals the Charged Party did not prevent the Charging Party from filing a grievance on his own. Additionally, the Ohio Revised Code § 4117.11(A)(8) allegation is inappropriate against the Charged Party. 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-05-0257 Fraternal Order of Police, Ohio Labor Council, Inc. v. Fulton County Sheriff

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by dividing the deputies into two squads and discriminating against Squad L because the members exercised guaranteed rights. Information gathered during the investigation reveals the members of Squad L were the most active in the union, and Squad M received benefits Squad L did not receive. The Charged Party's actions appear to have a chilling effect on union activities. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by dividing the deputies into two squads and discriminating against Squad L because the members exercised guaranteed rights, 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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6. Case 03-ULP-04-0219 City of Dayton v. International Association of Firefighters, Local 136

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(3), (4), and (8) by bargaining in bad faith. Information gathered during the investigation reveals the informational picketing being conducted was not a violation of the statute. Additionally, no information was provided to support that Ohio Revised Code § 4117.11(B)(3) or (4) 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 __

7. Case 03-ULP-05-0275 Niles Classroom Teachers' Association v. Niles City School District Board of Education

Board Member Verich moved that the Board grant the motion to withdraw with prejudice. 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-03-0132 Dennis Thomas v. State of Ohio, Department of Rehabilitation and Correction, State Penitentiary

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), (3), and (5) by refusing to honor a settlement agreement, and by failing to remove two previous disciplines from Charging Party's file. Information gathered during the investigation reveals the matter is contractual and is a duplicate filing of a previous unfair labor practice charge, Case No. 02-ULP-12-0829. 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 being a duplicate filing of Case No. 02-ULP-12-0829. Chairman Drake seconded the motion and called for the vote.

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

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CodeChapter 4117 rights, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake stated that the witnesses' statements were conflicting and she concurs with the recommendation of taking this case to hearing in hopes that all the information will be sorted out and a proper conclusion will take place. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

11. Cases 03-ULP-05-0273 James K. Smith, et al. v. City of Maple Heights

03-ULP-05-0274 James K. Smith, et al. v. Maple Heights Transit Teachers Association

In Case 03-ULP-05-0273, the unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (8) by conspiring with former Union President Robert Swidarski to promote Mr. Swidarski ahead of more qualified applicants. Information gathered during the investigation reveals no evidence that the Charging Parties engaged in protected activity and then suffered any adverse employment action. The Charging Party failed to provide any information to support that Ohio Revised Code § 4117.11(A)(1) or (8) violations occurred. In Case 03-ULP-05-0274, the unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1) by the Employer conspiring with former Union President Robert Swidarski to promote Mr. Swidarski ahead of more qualified applicants. Information gathered during the investigation reveals the Charged Party fairly represented all of the employees and did not restrain or coerce its members. 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

12. Case 03-ULP-05-0260 Hugh P. Gaughan v. Cleveland City 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 denying the Charging Party due process. Information gathered during the investigation reveals the Charging Party had union representation at his grievance meeting, but refused to talk because his personal attorney was not present. No violation of the statute 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

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13. Case 03-ULP-05-0261

Hugh P. Gaughan v. National Conference
of Firemen and Oilers Local 701, SEIU,
AFL-CIO

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. Information gathered during the investigation reveals the Charging Party refused to cooperate during the grievance process. The Charged Party took the basic and required steps in representing the Charging Party, and its actions were not arbitrary, discriminatory, or in bad faith. 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

14. Case 03-ULP-05-0270

Hugh P. Gaughan v. Cleveland City
School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (6) by failing to process the Charging Party's grievances in a timely manner. Information gathered during the investigation reveals the two grievances submitted were processed properly and timely. The Charging Party failed to provide any information to support that other grievances were not properly processed. 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-06-0318

District 1199, The Health Care and Social
Service Union, SEIU, AFL-CIO v. Auglaize
Acres

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by refusing to offer a counter-proposal to, or bargain with, the Charging Party. Information gathered during the investigation reveals the Charging Party failed to provide sufficient evidence to support its allegations to rise to the level of bad-faith bargaining under the totality of the circumstances. The Charged Party appears to have negotiated in good faith. 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-03-0158

Drew Dangel, et al. v. Franklin County
Coroner's Office

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by discriminating against the Charging Parties because they sought union protection against job loss and supported the effort to unionize. Information gathered during the investigation reveals the Charged Party's actions were unrelated to the exercise of guaranteed rights. The reorganization by the Charged Party is a contractual matter, and no statutory issues are present. The allegations occurred on or before December 29, 2002, which was 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 for events occurring on or before December 29, 2002. 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-05-0284

Drew Dangel, et al. v. Franklin County
Coroner's Office

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (4) by refusing to hire or even interview, the Charging Parties for full-time positions because they engaged in protected activities. Information gathered during the investigation reveals the Charging Parties were engaged in protected activities with the Charged Party's knowledge and lost their jobs. The Charged Party did not provide a persuasive rebuttal but only asserted its management rights. 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), (3), and (4) by refusing to hire, or even interview, the Charging Parties for full-time positions because they engaged in protected activities, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
 Affirmed X Denied

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18. Case 03-ULP-05-0245 Peter Zimmerman, et al. 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)(3) and (6) by failing to protect their jobs and ignoring their requests for protection. Information gathered during the investigation reveals the Charged Party fairly represented the employees throughout the entire process. No information was provided to demonstrate the Charged Party's actions were arbitrary, discriminatory, or in bad faith, or to support an Ohio Revised Code § 4117.11(B)(3) violation 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

19. Case 02-ULP-12-0829 Dennis Thomas v. State of Ohio, Department of Rehabilitation and Correction, State Penitentiary

The Board previously dismissed the unfair labor practice charge for lack of probable cause. The Charging Party has filed a request for reconsideration of the Board's decisions. A review of the original investigation reveals no new information was provided. Vice Chairman Gillmor moved that the Board construe the letter as a motion for reconsideration, and deny the motion with prejudice. Chairman Drake seconded the motion and called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Recused
 Affirmed X Denied

20. Cases 02-ULP-12-0781 Champion School Support Association, OEA/NEA v. Champion Local School District Board of Education

02-ULP-12-0782 Deborah Holbrook v. Champion Local School District Board of Education

Board Member Verich moved that the Board remand the cases back to the Investigation Division. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
 Affirmed X Denied

21. Case 03-ULP-06-0298 Stella Hunter v. Cleveland City School District Board of Education and Chief Executive Officer Barbara Byrd-Bennett

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22. Case 03-ULP-06-0299 Stella Hunter v. Cleveland Teachers Union, AFT, Local 279
23. Case 03-ULP-06-0303 Mary Gowdy v. State of Ohio, Department of Mental Retardation and Developmental Disabilities, Montgomery Developmental Center

Vice Chairman Gillmor moved that the Board dismiss the charges with prejudice because the Charging Parties failed 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

24. Case 03-ULP-05-0265 Copley Teachers Association, OEA/NEA v. Copley-Fairlawn City School District Board of Education
25. Case 03-ULP-07-0364 Austintown Professional Firefighters Association, IAFF, Local 3356 v. Austintown Township, Mahoning County

Board Member Verich moved that the Board construe the letters 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

26. Case 03-ULP-03-0157 Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO v. State of Ohio, Department of Rehabilitation and Correction, Richland Correctional Institution

Board Member Verich moved that Case 03-ULP-03-0157, be lifted from the Tabled Matters. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
 Affirmed X Denied

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The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (5), and (8) by instituting a new overtime policy in violation of a settlement agreement, and failing to provide requested documentation. Information gathered during the investigation reveals the Charged Party unilaterally implemented a new policy in violation of the parties' grievance-settlement agreement, and failed to provide requested information relevant to the grievance. 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) by instituting a new overtime policy in violation of a settlement agreement, and failing to provide requested documentation, 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

VI. ADMINISTRATIVE MATTERS

Chairman Drake stated that the next Board meeting will be on Thursday, September 4, 2003.

Chairman Drake will be attending the Ohio Civil Service Employees Association's convention on August 28, 2003, and SERB will be presenting an overview of Interest-Based Bargaining.

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

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

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

Board Member Verich moved that the Board approve the addition of David Benjamin, John Downs, and Charles Nicholls to the Roster of Neutrals. 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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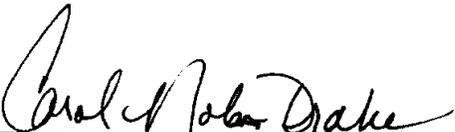
VI. ADJOURNMENT

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