

STATE EMPLOYMENT RELATIONS BOARD

STATE OF OHIO

MINUTES

The State Employment Relations Board met on Thursday, December 3, 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 Board approve the amended minutes for the November 6, 2003 meeting, and the minutes for the regular meeting on November 20, 2003. 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-09-0164                      Teamsters Local Union No. 100 and Hamilton Township, Warren County
2. Case 03-REP-10-0193                      Ohio Patrolmen's Benevolent Association and City of Middleburg Heights

In Case 03-REP-09-0164, 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. In Case 03-REP-10-0193, 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. Board Member Verich moved that the Board certify the Employee Organizations as the exclusive representative of all employees in the appropriate bargaining units. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied

State Employment Relations Board Minutes  
December 3, 2003  
Page 2 of 18

3. Case 03-REP-09-0179 Bakery, Confectionery, Tobacco Workers and Grain Millers, International Union Local No. 19 and City of Bedford Heights

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 Employer filed a letter withdrawing the petition. The substantial evidence is sufficient, and the Employer has complied with the posting requirements. Vice Chairman Gillmor moved that the Board construe the Employer's letter as a motion to withdraw the Petition for Representation Election, grant the motion, and 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 \_\_\_

4. Case 03-REP-07-0124 International Association of EMT's and Paramedics/SEIU/NAGE, AFL-CIO and International Union of Operating Engineers, Local 589, AFL-CIO and Saybrook Township, Ashtabula County

The Rival Employee Organization filed a Petition for Representation Election seeking to displace the Incumbent Employee Organization as the exclusive representative of certain employees of the Employer. The Incumbent Employee Organization filed a letter disclaiming interest. The Employer and the Incumbent Employee Organization confirm no contract exists. The Employer has agreed to voluntary recognition. The Rival Employee Organization filed a Request for Recognition. The substantial evidence is sufficient and the Employer has complied with the posting requirements. Board Member Verich moved that the Board grant the Incumbent Employee Organization's disclaimer of interest, and certify the Rival 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 \_\_\_

State Employment Relations Board Minutes  
December 3, 2003  
Page 3 of 18

5. Case 03-REP-08-0154 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and Miami County Sheriff

The Rival Employee Organization filed a Petition for Representation Election seeking to displace the Incumbent Employee Organization as the exclusive representative of certain employees of the Employer. The parties have entered into a Consent Election Agreement seeking a December 16, 2003 election. Vice Chairman Gillmor moved that the Board approve the Consent Election Agreement and direct an election to be conducted on December 16, 2003. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied    

6. Case 03-REP-05-0087 Logan Professional Firefighters, IAFF Local 3868 and City of Logan
7. Case 03-REP-08-0148 Bakery, Confectionery, Tobacco Workers and Grain Millers Local 253 and Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Williamsburg Local School District Board of Education
8. Case 03-REP-09-0163 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Zanesville City School District Board of Education
9. Case 03-REP-09-0187 Teamsters Local Union 436 and City of Hudson
10. Case 03-REP-10-0204 Teamsters Local Union 436 and City of Tallmadge
11. Case 03-REP-10-0216 Riverside Professional Firefighters Association, IAFF Local 2938 and City of Riverside
12. Case 03-REP-11-0221 Olmsted Township Firefighters, IAFF Local 2845 and Olmsted Township, Cuyahoga County

State Employment Relations Board Minutes  
December 3, 2003  
Page 4 of 18

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| 13. | Cases | 03-REP-10-0211<br>(Service Department)<br>03-REP-10-0212<br>(Clerical) | <u>Truck Drivers, Chauffeurs and Helpers<br/>Local 100, IBT and City of Deer Park</u>   |
| 14. | Case  | 03-REP-10-0213   | <u>Truck Drivers, Chauffeurs and Helpers<br/>Local 100, IBT and City of Forest Park</u> |

In Case 03-REP-05-0087, the Employee Organization and the Employer jointly filed a Petition for Amendment of Certification seeking to amend the certification to reflect the Employee Organization's affiliation with the International Association of Fire Fighters. The parties have provided information verifying that the standards set by the Board have been met. Appropriate internal union procedures were followed, and substantial continuity still exists. In Case 03-REP-08-0148, the Employee Organizations jointly filed, with the Employer, Petitions for Amendment of Certification seeking to amend the certification to reflect current contract language and affiliation with Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO. In support of the petitions, the parties provided information verifying that the affiliation standards have been met. Appropriate internal union procedures have been followed, and substantial continuity still exists. In Case 03-REP-09-0163, the parties jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to include Teaching Appropriate Self Control Aides. In Case 03-REP-09-0187, the parties jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to exclude Grounds Maintenance Workers. In Case 03-REP-10-0204, 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 to Teamsters Local Union 436. In Case 03-REP-10-0216, the parties jointly filed a Petition for Amendment of Certification seeking to amend the certification to reflect current contract language and to change the Employer's name to the City of Riverside. In Case 03-REP-11-0221, the parties jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to reflect current contract language and to change the Employee Organization's name to Olmsted Township Firefighters, IAFF Local 2845. In Case 03-REP-10-0211 and Case 03-REP-10-0212, the Employee Organization filed Petitions for Amendment of Certification seeking to amend the certifications to change the Employee Organization's name. The Employer filed a letter stating it did not oppose the amendments. In Case 03-REP-10-0213, the Employee Organization filed a Petition for Amendment of Certification seeking to amend the certification to reflect current contract language. The Employer filed a letter stating it did not oppose the amendment. Board Member Verich moved that the Board approve the jointly filed Petitions for Amendment of Certification, and amend the units accordingly. 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>	

State Employment Relations Board Minutes  
December 3, 2003  
Page 5 of 18

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

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. The case was mediated and directed to hearing. As a result of further mediation efforts, the Employee Organization filed a letter withdrawing the Petition for Amendment of Certification. Vice Chairman Gillmor 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. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

16. Case 03-REP-04-0062 Ohio Patrolmen's Benevolent Association and City of Norwalk

The Employee Organization filed a Petition for Clarification of Bargaining Unit seeking to include an interim employee who has been performing bargaining-unit work. The Employer filed a position statement opposing the amendment. The Employee Organization filed a response. Several conference calls were conducted. The case has been mediated. The parties dispute remains. Board Member Verich moved that the Board direct this case to hearing to determine bargaining-unit status of the employee in question and for all other relevant issues. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

17. Case 03-REP-06-0106 Ohio Patrolmen's Benevolent Association and Chester Township, Geauga County

- There were 3 ballots cast
- There were 0 challenged ballots
- No Representative received 0 votes
- Ohio Patrolmen's Benevolent Association received 3 votes and has prevailed in this election.





State Employment Relations Board Minutes  
December 3, 2003  
Page 8 of 18

2. Case 03-ULP-07-0362 David Zietlow v. Twinsburg City School District Board of Education

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (3) by issuing the Charging Party a written reprimand in retaliation for exercising guaranteed rights. Information gathered during the investigation revealed the letter was not discipline. The Charging Party was not harmed, and the letter did not constitute interference or restraint of the Charging Party's exercise of guaranteed rights. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

3. Case 03-ULP-08-0410 Youngstown State University Association of Classified Employees, OEA/NEA v. Youngstown State University

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally abolishing bargaining-unit positions. Information gathered during the investigation revealed the contract provided for the abolishment of vacant positions. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

4. Cases 03-ULP-08-0417 Cora Gullion v. State of Ohio, Department of Rehabilitation and Correction, Lorain Correctional Institution

State Employment Relations Board Minutes  
December 3, 2003  
Page 9 of 18

03-ULP-09-0452

Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO v. State of Ohio, Department of Rehabilitation and Correction, Lorain Correctional Institution

In Case 03-ULP-08-0417, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (2), and (3) by holding a Step 2 grievance discussion without the grievant. In Case 03-ULP-09-0452, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (5), and (8) by refusing to hold a Step 2 meeting in accordance with Article 25 of the collective bargaining agreement. Information gathered during the investigation revealed informal and formal Step 2 meetings were held, and the grievance was granted. 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 Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied   

5. Case 03-ULP-08-0398

Clyde-Green Springs Education Association, OEA/NEA, Dan Branstrator, Sandra Cleveland, and John Aiello v. Clyde-Green Springs Exempted Village School District Board of Education and Superintendent Todd Helms

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1) and (3) by threatening and acting in an abusive manner during a grievance hearing, and by not allowing the Charging Parties to present their position. Information gathered during the investigation revealed that the interruptions, pounding fists, and loud voices during the grievance process did not constitute a threat. No harm resulted from the meeting, nor were the Charging Parties interfered with, restrained, or coerced from pursuing the grievance or engaging in other protected activities. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Parties. Board Member Verich seconded the motion. Chairman Drake called for any discussion, and asked if the parties had been able to have their case presented as it reminded her of a state case where the parties were not able to present their arguments. Investigations Administrator Alan Bonham replied that yes, they were able to proceed. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied



State Employment Relations Board Minutes  
December 3, 2003  
Page 11 of 18

8. Case 03-ULP-09-0442 William H. Stewart v. City of Dayton

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (3), (4), (6), and (8) by retaliating against the Charging Party for exercising guaranteed rights. The Charging Party filed a motion for injunctive relief. Information gathered during the investigation revealed the Charging Party was discharged for reasons other than exercising guaranteed rights. No information was provided to support Ohio Revised Code § 4117.11(A)(4), (6), or (8) violations 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, and deny the motion. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

9. Case 03-ULP-09-0443 William H. Stewart v. Dayton Public Service Union, Ohio Council 8, AFSCME, AFL-CIO

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(1), (2), and (6) by refusing to arbitrate the Charging Party's discharge grievance. The Charging Party filed a motion for injunctive relief. Information gathered during the investigation revealed the Charged Party fairly represented the Charging Party through the grievance process and decided not to take the grievance to arbitration based upon the merits of the case. No information was provided to support Ohio Revised Code § 4117.11(B)(1) or (2) 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, and deny the motion. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

State Employment Relations Board Minutes  
December 3, 2003  
Page 12 of 18

10. Case 03-ULP-08-0425 Nikki L. Wallen v. State of Ohio,  
Department of Rehabilitation and  
Correction, Lorain Correctional  
Institution

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (3), and (4) by terminating the Charging Party during her probationary period for exercising guaranteed rights. Information gathered during the investigation revealed the Charging Party did not provide any evidence to support the Charged Party had any knowledge of the Charging Party exercising any guaranteed rights. The Charging Party was terminated for reasons other than exercising guaranteed rights, and the Charging Party had not filed a previous unfair labor practice 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 \_\_

11. Case 03-ULP-09-0496 Durk A. Milliron v. Ohio Civil Service  
Employees Association, AFSCME  
Local 11, AFL-CIO and Patty Howell

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(B)(6) by failing to fairly represent the Charging Party when he was demoted. Information gathered during the investigation revealed the Charged Parties filed three grievances over the improper promotion of the Charging Party. An arbitrator ruled that the Charging Party was not qualified, and he was demoted. The Charging Party failed to demonstrate how the Charged Parties' actions were arbitrary, discriminatory, or 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 Parties. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

State Employment Relations Board Minutes  
December 3, 2003  
Page 13 of 18

12. Case 03-ULP-08-0420 Fraternal Order of Police, Lodge No 36  
v. City of Middletown

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (3) by failing to allow union representation for a grievant and refusing material. Information gathered during the investigation revealed the Charging Party has failed to provide a clear and concise statement of facts constituting an alleged violation. Board Member Verich moved that the Board dismiss the charge with prejudice for failure of the Charging Party to provide a clear and concise statement of the facts. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied   

13. Case 03-ULP-06-0330 Crystal Davis v. Copley-Fairlawn City  
School District Board of Education

On September 18, 2003, the Board dismissed the unfair labor practice charge for lack of probable cause to believe that an unfair labor practice charge has been committed by the Charged Party and as untimely filed. On November 4, 2003, the Charging Party filed a request for reconsideration of the Board's decision. A review of the reconsideration demonstrated that the Charged Party's Superintendent denied the Charging Party's grievance on March 26, 2003, which is within the ninety days to file a charge with the Board. The Charging Party failed to provide any information to support her retaliation allegation. The grievance denial was based on lack of eligibility, which is the same rationale used in the original denial of donated leave. Based on the foregoing information and a review of the original investigation, the Charging Party failed to raise issues warranting reversal of the dismissal as being untimely filed. Vice Chairman Gillmor moved that the Board construe the Charging Party's letter as a motion for reconsideration, grant the motion, and dismiss the charge with prejudice for lack of probable cause to believe an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for any discussion and stated that it is important the parties know when the 90 days commence for filing a charge. In this case the Charging Party felt the day the grievance was filed was the starting date, but it was not. Knowledge of the alleged harm is when the 90-day period commences. Chairman Drake agrees with the motion, and called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye  
Affirmed X Denied

State Employment Relations Board Minutes  
December 3, 2003  
Page 14 of 18

14. Case 03-ULP-06-0315 Marie S. Persin v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO
15. Case 03-ULP-05-0282 Roosevelt Hampton, III v. International Brotherhood of Teamsters Local 20

The Board dismissed the unfair labor practice charges for lack of probable cause to believe that unfair labor practice charges have been committed by the Charged Parties. The Charging Parties filed requests for reconsideration of the Board's action. A review of the original investigation revealed that the Charging Parties have failed to raise issues warranting reversal of the dismissal. Board Member Verich moved that the Board construe the Charging Parties' letters as motions for reconsideration and deny the 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 \_\_

16. Case 03-ULP-09-0439 Hopewell Education Association, OEA/NEA v. Coshocton County Board of Mental Retardation and Developmental Disabilities
17. Case 03-ULP-09-0440 Hopewell Education Association, OEA/NEA v. Coshocton County Board of Mental Retardation and Developmental Disabilities
18. Case 03-ULP-09-0441 Hopewell Education Association, OEA/NEA v. Coshocton County Board of Mental Retardation and Developmental Disabilities
19. Case 03-ULP-09-0492 North Canton Education Association, OEA/NEA v. North Canton City School District Board of Education
20. Case 03-ULP-11-0570 Ohio Valley Education Association, OEA/NEA v. Adams County/Ohio Valley Local School District Board of Education

State Employment Relations Board Minutes  
December 3, 2003  
Page 15 of 18

21. Case 03-ULP-11-0583 Ohio Valley Education Association,  
OEA/NEA v. Adams County/Ohio Valley  
Local School District Board of Education

Vice Chairman Gillmor moved that the Board construe the letter and notices as motions to withdraw, and grant all motions with prejudice in these cases. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

VI. TABLED MATTERS

1. Cases 03-ULP-09-0434 Southern Local Education Association,  
OEA/NEA v. Southern Local School  
District Board of Education
- 03-ULP-09-0435 Southern Local Education Association,  
OEA/NEA v. Southern Local School  
District Financial Planning and  
Supervision Commission

Board Member Verich moved that Cases 03-ULP-09-0434 and 03-ULP-09-0435 be lifted from the table. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

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

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

VII. ADMINISTRATIVE MATTERS

General Counsel Russ Keith presented a packet of proposed administrative rule changes that had been prepared in accordance with the requirement that agency rules be reviewed every five years. He noted that proposed changes were either housekeeping changes, i.e., updating terminology or correcting typos, or were changes that reflected current Board practices or codified Board precedent. He noted proposed changes to Ohio Administrative Code Rules 4117-5-01(D)(1) and 4117-5-01(F) that would reflect current procedures for filing representation petitions to clarify or amend bargaining units, and proposed changes to O.A.C. Rule 4117-7-01, which would codify

State Employment Relations Board Minutes  
December 3, 2003  
Page 16 of 18

Board precedent on who has standing to file unfair labor practice charges. Vice Chairman Gillmor requested that when the rules were filed, JCARR be made aware of any changes that simply codified Board opinions, which have the force of law. General Counsel Keith said the procedure also calls for draft rule changes to be sent to certain employers and employee organizations for comment and for the rules to be noticed for public hearing. Board Member Verich requested that when the rules are sent out for comment, we include some explanation of why certain changes are being made.

Board Member Verich moved that the rules be approved for distribution to interested parties so that the JCARR review process could begin, and that after comment, the Board would consider the package for filing with JCARR. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied   

Executive Director Pat Snyder then distributed position descriptions for a mini-computer processor position to fill the vacancy created by the resignation of Kristin Pontius. She asked Board members to review and offer any comments preliminary to submitting the position to DAS for review. Chairman Drake asked whether she was seeking a vote on the position, and Executive Director Snyder responded that the posting was within the Chairman's appointing authority, but that the input of the other Board members was being invited. She said that the posting of the position was important to the continuity of computer services.

The Executive Director also distributed a report from Fiscal Specialist Danetta Babbs verifying that all the agency's phone lines are in use or reasonably anticipated to be in use, so that it would not be feasible to disconnect and pay a \$120 reconnection fee. She also noted that our agency cell phone plan will be reviewed as soon as DAS enters new state term contracts for service, probably in January 2004.

Executive Director Snyder also advised the Board that the Office of Budget and Management was soliciting agency positions on whether they were single or multi-program agencies for budget purposes and that her review indicated no reason to depart from SERB's historic position that it was a single-program agency.

Executive Director Snyder also reported that a current focus with section administrators is to bring performance evaluations up to date and that the Bureau of Mediation was behind in this area. Board Member Verich asked when these would be caught up, and she said she would let him know after checking with the Bureau Chief since the Bureau is understaffed and the Bureau Chief is heavily involved in the strike settlement process, which is an extremely important priority.

State Employment Relations Board Minutes  
December 3, 2003  
Page 17 of 18

The Board members and Executive Director also referenced their attendance at the Boards and Commissions Ethics Training on December 2, 2003, and the fact that the Governor indicated he would not tolerate even the appearance of impropriety. They also noted that they had reviewed a draft ethics policy, prepared by General Counsel Keith and modeled after the Ohio Turnpike Commission's new policy. Vice Chairman Gillmor moved that the Board adopt the new ethics policy for the agency to follow. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied   

Chairman Drake asked General Counsel Keith and Executive Director Snyder to present 1.5 hours of training under the policy to SERB employees.

Executive Director Snyder distributed a budget status report that included projected expenditures based upon the agency's contractual obligations. She noted that the report did not include unexpected expenditures, which are critical in the computer area because no funds were budgeted for computer equipment and we are experiencing periodic failures. She indicated that a more accurate projection might be available after the first of the year when SSI, under its service contract, has completed an analysis of our system and projected needs. Vice Chairman Gillmor asked what percentage payroll composed of the budget, and it was concluded based on the distributed spreadsheet that the figure was about 81.25%. She also asked about the state of computer equipment in the Bureau of Mediation, and General Counsel Keith indicated that substantial needs had been filled last spring with the acquisition of laptop computers. Executive Director Snyder noted that mediators require a high level of ongoing support, with cell phones, cars, and projectors.

Labor Relations Administrator Alan Bonham announced that Labor Relations Specialist Gary Kennedy was the likely new president of the Ohio Investigators Association. A vote was scheduled for that evening.

Board Member Verich 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. 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   

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

State Employment Relations Board Minutes  
December 3, 2003  
Page 18 of 18

Executive Director Snyder presented a list to the Board members of board meeting dates scheduled for calendar year 2004. The listing will be posted in all the appropriate places and on SERB's web site.

VIII. ADJOURNMENT

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

Vote: DRAKE Aye  
Affirmed X

GILLMOR Aye  
Denied   

VERICH Aye



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Carol Nolan Drake, Chairman