

STATE EMPLOYMENT RELATIONS BOARD
MINUTES
December 18, 2003

The State Employment Relations Board met on Thursday, December 18, 2003, at 10:02 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 December 3, 2003 meeting be approved. Board Member Verich 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>	<u> </u>

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

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| 1. | Cases | 03-MED-10-1058
03-MED-10-1059
03-MED-10-1060 | <u>Ohio Association of Public School Employees, AFSCME Locals 213, 473, and 656, AFL-CIO and Berea City School District Board of Education</u> |
| 2. | Cases | 03-MED-10-1140
03-MED-10-1141
03-MED-10-1142 | <u>Ohio Patrolmen's Benevolent Association and City of Orville</u> |
| 3. | Cases | 03-MED-10-1144
03-MED-10-1145 | <u>Ohio Patrolmen's Benevolent Association and City of Rittman</u> |
| 4. | Case | 03-MED-10-1147 | <u>Ohio Patrolmen's Benevolent Association and City of Vermilion*</u> |

The Employee Organization filed a request to withdraw its notices to negotiate involving the Employer. Board Member Verich moved that the Board grant the requests to withdraw the notices to negotiate. 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>	<u> </u>

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| 5. | Cases | 03-MED-09-0992
03-REP-09-0182 | <u>International Brotherhood of Teamsters, Local 436 and Portage County Commissioners</u> |
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The Employer filed a motion to stay negotiations involving the Employee Organization. The Employer questioned whether the Employee Organization maintains majority status in the unit. Vice Chairman Gillmor moved that the Board, in Case 03-MED-09-0992, grant the motion to stay the negotiations pending disposition of Case 03-REP-09-0182, and expedite the representation case. Board Member Verich 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>	<u> </u>

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- 2. Case 03-REP-07-0118 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and City of Solon, January 8, 2004

- 3. Case 03-REP-09-0174 Fraternal Order of Police, Ohio Labor Council, Inc. and International Union of Police Associations, AFL-CIO and City of Northwood, January 13, 2004

In Cases 03-REP-06-0111 and Case 03-REP-09-0173, the Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Employer responded by filing Petitions for Representation Election. The parties entered into a Consent Election Agreement seeking elections on January 14, 2004. In Case 03-REP-07-0118 the Employee Organization filed a Petition for Representation Election seeking to represent certain employees of the Employer. The Employer responded by filing objections. The parties entered into a Consent Election Agreement seeking an election on January 8, 2004. In Case 03-REP-09-0174 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 entered into a Consent Election Agreement seeking an election on January 13, 2004. Vice Chairman Gillmor moved that the Board approve the Consent Election Agreements and direct the elections to be conducted on the dates as indicated. Board Member Verich 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		

- 4. Case 03-REP-09-0184 Ohio Patrolmen's Benevolent Association and City of Fairlawn

The Employee Organization filed a Petition for Representation Election seeking to represent certain employees of the Employer. The Fraternal Order of Police, Ohio Labor Council, Inc. filed a Motion to Intervene. The parties entered into a Consent Election Agreement seeking an election on January 7, 2004. The intervention deadline was no later than close of business on October 24, 2003. The actual date of filing was October 27, 2003; therefore, the motion to intervene is untimely. The Employer filed a Consent Election Agreement changing Item 3, which is a *requirement* of the Employer pursuant to Ohio Administrative Code Rule 4117-5-07. The other parties executed Consent Election Agreements without said change. Board Member Verich moved that the Board deny the motion to intervene and remand the case back to the Representation Division for further investigation. 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		

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5. Case 03-REP-09-0185 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Fairlawn, January 7, 2004

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 entered into a Consent Election Agreement seeking an election on January 7, 2004. Vice Chairman Gillmor moved that the Board approve the Consent Election Agreement and direct the election to be conducted on January 7, 2004. 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-11-0226 Green Local Association of School Support, OEA/NEA and Green Local School District Board of Education

The Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The parties jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to change the Employee Organization's name to Green Local Association of School Support, OEA/NEA. Board Member Verich moved that the Board approve the jointly filed petition and amend the unit accordingly. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE AYE GILLMOR AYE VERICH AYE
Affirmed X Denied _____

7. Cases 03-REP-06-0109 Auglaize Education Association, OEA-NEA and Auglaize County Board of Mental Retardation and Developmental Disabilities
03-REP-10-0205

The Employee Organization filed a Petition for Representation Election (03-REP-06-0109) and a Request for Recognition (03-REP-10-0205) seeking to represent certain employees of the Employer. The Employee Organization has now filed a letter withdrawing the Petition for Representation Election and the Request for Recognition. 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 Representation Election in Case 03-REP-06-0109 and the Request for Recognition in Case 03-REP-10-0205. 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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8. Cases 03-REP-08-0144 Teamsters Local #348 and Portage Area Regional Transportation Authority (PARTA)
- 03-REP-10-0197 PARTA Maintenance Employees and Portage Area Regional Transportation Authority (PARTA)

In Case 03-REP-08-0144, the Employee Organization filed a Petition for Representation seeking to represent certain employees of the Employer. The showing of interest is sufficient. The Employer filed a position statement maintaining an appropriate unit would also include the proposed bargaining unit in Case No. 03-REP-10-0197. In Case 03-REP-10-0197, the Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The showing of interest is sufficient, and the Employer has complied with the posting requirements. The Employer has also filed a Petition for Representation Election and objections maintaining an appropriate bargaining unit would also include the proposed unit in Case No. 03-REP-08-0144. Several conference calls have been conducted. The Employee Organization in each case maintains it seeks to only represent a specific group of employees. The Employer maintains a community of interest exists, and an appropriate unit would be a combination of the bargaining units as proposed in each case. Board Member Verich moved that the Board coordinate the cases, direct them to hearing to determine an appropriate bargaining unit and for all other relevant issues, and direct the parties to mediation. 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-REP-03-0045 Teamsters Local No. 244 and Cuyahoga County Commissioners

The Employee Organization filed a Petition for Representation Election seeking to represent certain employees of the Employer. Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO (Intervenor) filed a Motion to Intervene maintaining it is the deemed-certified exclusive representative of the Account Clerks identified in the petition. The Employer filed objections and a position statement maintaining that the employees in question are covered by the existing collective bargaining agreement between the Employer and the Intervenor. The Employee Organization maintained the employees in question have been employed for several years and are not receiving any benefits from the existing collective bargaining agreement between the Employer and the Intervenor.

Vice Chairman Gillmor moved that the Board grant the motion to intervene, direct the case to hearing to determine if the Petition for Representation Election is appropriate 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 _____

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10. Case 03-REP-04-0067 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Napoleon Area City School District Board of Education
- There were 4 ballots cast
 - There were 0 challenged ballots
 - Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO received 0 votes
 - No Representative received 4 votes and prevailed in this election.
11. Case 03-REP-09-0160 Fraternal Order of Police, Ohio Labor Council, Inc. and City of West Carrollton
- There were 5 ballots cast
 - There were 0 challenged ballots
 - No Representative received 0 votes
 - Fraternal Order of Police, Ohio Labor Council, Inc. received 5 votes and prevailed in this election.
12. Case 03-REP-09-0169 Chauffeurs, Teamsters, Warehousemen and Helpers, Local 377, IBT, and Canfield School Bus Drivers and Canfield Local Board of Education
- There were 32 ballots cast
 - There was 1 challenged ballot
 - No Representative received 0 votes
 - Chauffeurs, Teamsters, Warehousemen and Helpers, Local 377, IBT received 12 votes
 - Canfield School Bus Drivers received 19 votes and prevailed in this election.

Board Member Verich moved that the Board certify the election results and the Employee Organization as the exclusive representative of all employees in the bargaining units. 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>	<u> </u>

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13. Case 03-REP-06-0103 Ohio Patrolmen's Benevolent Association and Weathersfield Township, Trumbull County

The Employee Organization and the Employer jointly filed a Petition for Amendment of Certification seeking to add two Lieutenants to an existing bargaining unit of two Sergeants. Ohio Administrative Code Rule 4117-5-01(G) permits the addition of employees only if the number of employees to be added is substantially smaller than the number of employees in the existing unit. Two is not substantially smaller than two. Vice Chairman Gillmor moved that the Board dismiss the jointly filed Petition for Amendment of Certification per Ohio Administrative Code Rule 4117-5-01(G). Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE AYE GILLMOR AYE VERICH AYE
Affirmed X Denied _____

14. Case 03-REP-08-0147 Uhrichsville Fire Fighters International and State Local 4265 and City of Uhrichsville

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. It appears Uhrichsville Fire Fighters IAFF Local 1501 is the deemed-certified exclusive representative of the employees in question, and the Request for Recognition is only seeking to change the Local to 4265. The Employee Organization has been advised that a Petition for Amendment of Certification is the appropriate vehicle to make such a change. Board Member Verich moved that the Board dismiss without prejudice the Request for Recognition. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE AYE GILLMOR AYE VERICH AYE
Affirmed X Denied _____

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 03-ULP-04-0214 SERB v. Lake County Board of Mental Retardation and Developmental Disabilities
2. Case 03-ULP-02-0085 SERB v. Summit County Department of Job and Family Services and James McCarthy
3. Case 03-ULP-04-0187 SERB v. Ohio Association of Public Service Employees, AFSCME Local 4, AFL-CIO and Its Local 51

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4. Case 03-ULP-04-0204 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 695 v. Parma City School District Board of Education

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

Vote: DRAKE AYE GILLMOR AYE VERICH AYE
Affirmed X Denied _____

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Cases 03-ULP-09-0449 Timothy Feagin v. State of Ohio, Department of Rehabilitation and Correction, Mansfield Correctional Institution and Maggie Bradshaw

03-ULP-09-0450 Timothy Feagin v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO

In Case 03-ULP-09-0449, the unfair labor practice charge alleged the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1), (3), (5), and (6) and (B)(3) and (6) by acting in concert with the Union to terminate the Charging Party. In Case 03-ULP-09-0450, the Charging Party alleged the Union violated Ohio Revised Code §§ 4117.11(A)(5) and (6) and (B)(1), (3), and (6) by acting in concert with the Employer to terminate the Charging Party. The investigation revealed the Charging Party failed to support his allegations; no internal charges were filed with the Union alleging any collusion; the settling of a grievance at Step 3 by the Union and Employer without the grievant being present was not a violation; and the Charging Party was terminated for reasons other than exercising guaranteed rights. Board Member Verich moved that the Board dismiss the charges with prejudice for lack of probable cause to believe that unfair labor practices had 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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2. Case 03-ULP-08-0416 Martin M. Schaber v. Toledo Police
Patrolman's Association, Local 10, IUPA,
AFL-CIO

The Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1), (3), and (6) by settling his grievance without his knowledge and consent. The investigation reveals the Charged Party's actions were not arbitrary, discriminatory, or in bad faith. The Union did not take the Charging Party's grievance to arbitration based on the merits of the case, but did negotiate a settlement. No information was provided to support Ohio Revised Code § 4117.11(B)(1) or (3) violations. The Charged Party has filed a motion to dismiss. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that the Charged Party has committed an unfair labor practice and deny the motion to dismiss as moot. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE AYE GILLMOR AYE VERICH AYE
Affirmed X Denied _____

3. Case 03-ULP-09-0451 Ohio Patrolmen's Benevolent Association
v. City of Bellevue

The Charging Party alleges the Employer violated Ohio Revised Code § 4117.11(A)(1) and (5) by refusing to proceed with a grievance hearing following the Charging Party objected to the Charged Party's tape recording of the proceeding. The investigation reveals the Employer closed the grievance hearing after the Union's objections. 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 bargaining in bad faith by failing to proceed with a grievance hearing after the objection by the Charging Party to the tape recording of the hearing, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE AYE GILLMOR AYE VERICH AYE
Affirmed X Denied _____

4. Case 03-ULP-10-0521 Hudson City School District Board of
Education v. Hudson Education
Association, OEA/NEA and David Spohn

The Charging Party alleges the Charged Parties violated Ohio Revised Code § 4117.11 (B)(5) by encouraging employees to strike. The investigation reveals a strike notice was filed and followed. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that unfair labor practices have 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 _____

5. Case 03-ULP-10-0522 Hudson Education Association, OEA/NEA v. Hudson City School District Board of Education

The Charging Party filed an unfair labor practice alleging the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by engaging in direct dealing with employees through a regularly scheduled staff meeting. The investigation reveals the Charged Party provided a five-year financial plan to staff. No bargaining issues were addressed. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that the Charged Party has committed an unfair labor practice. 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-10-0505 Stow Firefighters, IAFF Local 1662, AFL-CIO v. City of Stow and Mayor Lee Ann Schaffer

The Charging Party has filed a letter withdrawing the unfair labor practice charge. Vice Chairman Gillmor moved that the Board construe the letter as a motion to withdraw and grant the motion with prejudice. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE AYE GILLMOR AYE VERICH AYE
 Affirmed X Denied

7. Case 03-ULP-08-0413 Fraternal Order of Police, Ohio Labor Council, Inc. v. City of Pataskala

The Charging Party filed an unfair labor practice alleging the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (4) by coercing and restraining employees during a representation campaign and chastising and threatening employees for filing grievances. The investigation reveals under the totality of the circumstances, the Charged Party restrained and coerced the union members in the exercise of guaranteed rights. The information provided does not support the Ohio Revised Code § 4117.11(A)(3) or (4) allegations. A credibility issue exists regarding the June 8, 2003 meeting addressing grievances and special duty, which should also be addressed at hearing. 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), but not (3) or (4), by coercing and restraining employees during a representation campaign and chastising and threatening employees for filing 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

8. Case 03-ULP-08-0426 Strongsville Fire Fighters Association, Local 2882, IAFF v. City of Strongsville, Chief Paul Haney, et al.

The Charging Party filed an unfair labor practice alleging the Charged Parties violated Ohio Revised Code § 4117.11(A)(1), (2), (3), and (5) by retaliating against employees for exercising guaranteed rights and attempting to interfere with the administration of the union. The investigation reveals the employer failed to promote union officials for exercising guaranteed rights. A credibility issue exists as to whether the Charged Parties, or their agents or representatives, attempted to interfere with the administration of the Charging Party, which should be addressed in a hearing. No information was provided to support an Ohio Revised Code § 4117.11(A)(5) violation. Vice Chairman Gillmor 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 Parties violated Ohio Revised Code § 4117.11(A)(1), (2), and (3), but not (5), by retaliating against employees for exercising guaranteed rights, and attempting to interfere with the administration of the Charging Party, and direct the parties to ULP mediation. Board Member Verich 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>		<u> Denied </u>		

9. Cases 03-ULP-09-0457 State of Ohio, Department of Rehabilitation and Correction v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 7021
- 03-ULP-09-0458 through State of Ohio, Department of Rehabilitation and Correction v. Gwen Albright, et al.
 through
 03-ULP-09-0482

In Case 03-ULP-09-0457 the Charging Party alleges the Charged Party violated Ohio Revised Code § 4117.11 (B)(2), (3), (5), and (8) by attempting to cause the Charging Party to commit an unfair labor practice, by failing to bargain in good faith, by inducing or encouraging employees to engage in an unlawful strike, and by striking without a ten-day written notice during a valid, existing contract. In Cases 03-ULP-09-0458 through 03-ULP-09-0482, the Charging Party alleges the Charged Parties violated Ohio Revised Code § 4117.11(B)(5) and (8) by inducing or encouraging the Special Duty Officers to engage in an unlawful strike and engaging in an illegal strike. The investigation reveals the timing of the call-offs, the calling-off work by twenty-four of thirty employees on one shift, the Chapter President suspending all union stewards during the investigation of the incident, and the comment by one of the call-offs about the over-time, altogether appear suspect. The totality of the circumstances appears to support a concerted effort to organize an unauthorized job action. Board Member Verich moved that the Board, in Case 03-ULP-09-0457, find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to

13. Case 03-ULP-10-0509 Arthur Jones v. Greater Cleveland Regional Transit Authority and Thomas Swink

The Charging Party filed an unfair labor practice alleging the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) by denying the Charging Party union representation at a meeting. The investigation reveals the meeting was not investigatory, and the Charging Party was not compelled to answer any questions. A union representative was in attendance at the meeting. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that unfair labor practices have 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 _____

14. Case 03-ULP-09-0453 William Scott v. Geauga Park District, et al.

The Charging Party filed an unfair labor practice alleging the Charged Parties violated Ohio Revised Code § 4117.11(A)(2), (3), (4), and (6) by terminating the Charging Party because he was perceived as being mentally ill. The investigation reveals the Charging Party is not a member of the bargaining unit, no contract exists, and the Charging Party admitted he was not engaged in protected activity. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Parties. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE AYE GILLMOR AYE VERICH AYE
 Affirmed X Denied _____

15. Case 03-ULP-10-0541 Cynthia D. Preston v. State of Ohio, Rehabilitation Services Commission and Alma Boffman

The Charging Party has failed to respond to requests for information. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice because the Charging Party failed to pursue the matter. 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-ULP-10-0527 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO, and Local 3319C v. Lawrence County Board of County Commissioners

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| 17. | Case | 03-ULP-09-0486 | <u>Ohio Patrolmen's Benevolent Association v. Cuyahoga County Board of Commissioners</u> |
| 18. | Case | 03-ULP-10-0536 | <u>Ashtabula Association of Classified School Employees v. Ashtabula Area City School District Board of Education</u> |
| 19. | Case | 03-ULP-10-0553 | <u>Pamela S. D'Amore v. Mahoning County Auditor's Office</u> |
| 20. | Case | 03-ULP-10-0546 | <u>Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 7010 v. State of Ohio, Department of Rehabilitation and Correction, Mansfield Correctional Institution</u> |

Board Member Verich moved that the Board construe the letters and settlement as motions to withdraw, and grant all motions with prejudice. 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		

VI. ADMINISTRATIVE MATTERS

Executive Director Pat Snyder reported that she and Anderson Reed had met with SERB's computer vendors – Sophisticated Systems, Inc. (SSI), Computer Site of Columbus, and Intellinetics – to assure that interim services could be provided in light of Kristin Pontius' resignation and to learn more about the scope of their services.

Executive Director Snyder also reported that the agency had exceeded the Governor's first-year goal for minority purchases under the EDGE (Encouraging Diversity, Growth and Equity) program by purchasing 5.9 percent of its goods and services from EDGE-certified vendors. The first-year goal was 5.0 percent.

In response to a request from Board Member Verich, Executive Director Snyder reported that she had spoken with the fiscal analyst assigned to the agency by the Office of Budget and Management (OBM) and verified that no new restrictions have been imposed for transferring GRF funds within the agency's budget and no spending freezes have been imposed at this point.

Executive Director Snyder also reported that the Board's fleet now included two cars that exceeded 90,000 miles – the level at which DAS has determined that cars can be replaced based on their mileage level alone, with no additional justification. One car assigned to a mediator exceeds 100,000 miles. A second, assigned to the agency pool, has nearly 97,000 miles. She indicated that she was passing along the information but not making any rental or purchase recommendations at this time due to budgetary restraints, but is concerned about the inevitability of increased maintenance costs.

Executive Director Snyder reported that she had received a number of comments from representatives of firefighter locals urging SERB to remain involved in the regulation of fact-finding fees, even though SERB is no longer required by statute to pay half of the cost. They were concerned that if the fees were left unregulated, the charges would become burdensome for locals with small budgets. Their comments followed an appearance by Chairman Drake and Mediation Bureau Chief Dale Zimmer at the Ohio Association of Professional Fire Fighters (OAPFF)/IAFF Educational Conference earlier in the month, at which fact-finding fees were discussed.

Executive Director Snyder also reported on the SERB steering committee meeting held December 15, 2003, at which she had shared several key goals she would be working on during the remainder of the fiscal year: assuring that adequate computer services were in place, supporting section goals and particularly providing support for the clearinghouse database, and working to make SERB a place where employees wanted to work. At the meeting, employees engaged in a dialogue about what the ideal workplace would be like for them. Comments included a need for more back-up support, some workload relief, and flexibility in scheduling. Employees were advised that section goals would be shared among the staff at an all-hands meeting after the first of the year.

Executive Director Snyder reported that she and General Counsel Russ Keith had participated in a moot court with the Attorney General's office in preparation for the Ohio Supreme Court arguments December 16, 2003, in the case of *SERB v. Fort Frye Local School District Board of Education*. She reported that at the argument itself, the justices' questioning centered on whether SERB had complied with the Court's previous remand order to determine whether an unfair labor practice had been committed.

Executive Director Snyder also referenced a status report by Mediator Craig Young on the 2003 Health Care Report, in which he said more information was needed from small-to-medium townships and some school districts. She reported that additional contacts will be made with the Ohio Public Employers Labor Relations Association (OPELRA) and the Ohio School Boards Association (OSBA).

Following up on a question by Board Member Verich at the December 3, 2003 meeting, Executive Director Snyder reported that section administrators had committed to have any delinquent performance evaluations up to date within the next month, with the exception of the Bureau of Mediation, which intends to evaluate one mediator every three-to-four weeks until it is current. She said she believed the Bureau's timetable was appropriate, based upon its workload, with one mediator vacancy still unfilled.

Finally, Executive Director Snyder congratulated Labor Relations Specialist Gary Kennedy on his election as president of the Ohio Investigators Association.

Chairman Drake then recognized the efforts of Mediation Chief Zimmer and Mediator Tony Naess in helping the parties reach a settlement in CWA's strike of the Summit County Children's Services Board – the longest in SERB's history. Chief Zimmer thanked the Board for its continuing support in the strike settlement effort and noted that although a number of parties eventually became involved in settlement efforts, SERB was there from the very beginning and stayed until it was settled.

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Vice Chairman Gillmor moved that the Board go into executive session pursuant to Ohio Revised Code § 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 _____

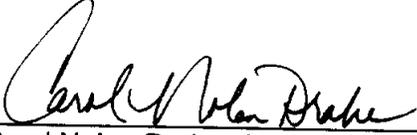
Vice Chairman Gillmor moved that the Board exit from executive session. Board Member Verich seconded the motion. Chairman Drake called for the roll-call vote.

ROLL-CALL VOTE: DRAKE AYE GILLMOR AYE VERICH AYE
Affirmed X Denied _____

VII. ADJOURNMENT

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

Vote: DRAKE AYE GILLMOR AYE VERICH AYE
Affirmed X Denied _____



Carol Nolan Drake, Chairman