

STATE EMPLOYMENT RELATIONS BOARD

STATE OF OHIO

MINUTES

The State Employment Relations Board met on Thursday, January 22, 2004, 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 minutes for the January 8, 2004 meeting. 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-12-0236 Ohio Patrolmen's Benevolent Association and Medina Township Board of Trustees, Medina County

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The substantial evidence is sufficient, and no objections have been filed. The Employer complied with the posting requirements. Board Member Verich moved that the Board certify the Employee Organization as the exclusive representative of all employees in the bargaining unit. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
 Affirmed X Denied

2. Case 03-REP-11-0223 Chauffeurs, Teamsters, Warehousemen and Helpers, Local Union No. 377, IBT and Canfield Local Board of Education, February 10, 2004

State Employment Relations Board Minutes
January 22, 2004
Page 2 of 15

3. Case 03-REP-09-0162 Fraternal Order of Police, Ohio Labor Council, Inc. and Tallmadge Local No. 2764, International Association of Firefighters and City of Tallmadge, February 12, 2004

In Case 03-REP-11-0223, the Employee Organization filed an Opt-in Petition for Representation Election seeking to represent certain employees of the Employer and add them to an existing unit. The parties have entered into a Consent Election Agreement seeking an election on February 10, 2004. In Case 03-REP-09-0162, 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 February 12, 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 Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

4. Case 03-REP-12-0244 Brian Rutkowski and Ohio Council 8 and Local 100, American Federation of State, County and Municipal Employees, AFL-CIO and City of Cleveland

The Petitioner filed a Petition for Decertification Election seeking to decertify the Incumbent Employee Organization as the exclusive representative of certain employees of the Employer. The Employee Organization has filed a motion to dismiss maintaining it is the deemed-certified exclusive representative of a bargaining unit of approximately 1,600 employees. Ohio Administrative Code Rule 4117-5-01(D)(2) states in part that no Petition for Decertification Election may be filed where the Incumbent Employee Organization is deemed-certified. Board Member Verich moved that the Board grant the Incumbent Employee Organization's motion, and dismiss with prejudice the Petition for Representation Election. 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
January 22, 2004
Page 3 of 15

5. Case 03-REP-09-0172 Painesville Water Treatment Operator II and City of Painesville

The Employee Organization filed a Petition for Representation Election seeking to represent certain employees of the Employer. The evidence provided in support of the petition revealed the employees in question wished to be represented by Communications Workers of America, AFL-CIO (CWA). CWA has been contacted and has not filed a response. Vice Chairman Gillmor moved that the Board dismiss without prejudice the Petition for Representation Election. Board Member Verich seconded the motion. Chairman Drake called for any discussion, and Alan Bonham, Investigations Administrator, mentioned that there are some unfair labor practice charges being filed because of this situation. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
 Affirmed X Denied

6. Case 03-REP-11-0220 Erie County Board of MR/DD Employees Association, OEA/NEA and Erie County Board of Mental Retardation and Developmental Disabilities
7. Case 03-REP-11-0222 Auglaize Education Association, OEA/NEA and Auglaize County Board of Mental Retardation and Developmental Disabilities
8. Case 03-REP-11-0230 Eastlake Professional Firefighters, IAFF Local 2860 and City of Eastlake
9. Case 03-REP-11-0231 Ohio Patrolmen's Benevolent Association and Portage County Sheriff
10. Case 03-REP-11-0232 Ohio Patrolmen's Benevolent Association and Portage County Sheriff
11. Case 03-REP-12-0247 Tallmadge Local No. 2764, International Association of Firefighters and City of Tallmadge
12. Case 03-REP-12-0243 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Hancock County Board of Mental Retardation and Developmental Disabilities

State Employment Relations Board Minutes
January 22, 2004
Page 4 of 15

13. Case 03-REP-12-0248

Maumee Professional Firefighters/
Paramedic Association and City of
Maumee

In Case 03-REP-11-0220, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The parties have jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to reflect current contract language and to exclude HIPAA/FERPA Privacy Officer/Records Control Officer and Medicaid Services Manager. In Case 03-REP-11-0222, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The Employee Organization filed a Petition for Amendment of Certification seeking to amend the existing unit to exclude Case Managers, Community Services, and Support Administrative Personnel (SSA Assistants) pursuant to HB 94 (Ohio Revised Code § 5126.15(A)). The Employer does not oppose the amendment. In Case 03-REP-11-0230, the Employee Organization is the deemed-certified exclusive representative of certain employees of the Employer. The parties have jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to include Captain and Battalion Chief. In Case 03-REP-11-0231, 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 create two separate bargaining units. In Case 03-REP-11-0232, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The parties have jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to create two separate bargaining units. In Case 03-REP-12-0247, 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 reflect current contract language. In Case 03-REP-12-0243, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The parties have jointly filed a Petition for Amendment of Certification seeking to include Community Job Placement Specialist in the existing unit. In Case 03-REP-12-0248, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The parties have jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to exclude Ambulance and Emergency Medical Serviceman and to reflect current contract language. 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 Aye
Affirmed X

GILLMOR Aye
Denied

VERICH Aye

State Employment Relations Board Minutes
January 22, 2004
Page 5 of 15

14. Case 91-REP-06-0169 Fraternal Order of Police, Ohio Labor Council, Inc. and Hocking County Sheriff

The Employee Organization is the Board-certified exclusive representative for certain employees of the Employer. The Employee Organization filed a motion to revoke certification, stating there were no longer any employees in the unit. Vice Chairman Gillmor moved that the Board grant the motion and revoke the Employee Organization's certification. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Cases 03-ULP-08-0411 Jean Sandifer v. Huron County Board of Commissioners
03-ULP-08-0412

On November 6, 2003, the Board found probable cause to believe that an unfair labor practice had occurred, consolidated the cases, authorized the issuance of a complaint, directed the matter to hearing, and directed the parties to unfair labor practice mediation. On January 7, 2004, the parties filed a settlement agreement. Board Member Verich moved that the Board approve and adopt the settlement agreement, construe the settlement agreement as a motion to dismiss, grant the motion, and dismiss with prejudice the unfair labor practice charges. 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
January 22, 2004
Page 6 of 15

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 03-ULP-10-0532 Katherine Brown v. International Brotherhood of Teamsters, Local 244

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(6) by not being awarded benefits from a grievance. Information gathered during the investigation revealed the charge centers on a resolved grievance from the year 2000, and the charge is untimely filed. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice as untimely filed. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

2. Case 03-ULP-11-0571 Deborah A. Smith v. State of Ohio, Department of Job and Family Services and Don Koncos

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1) by denying the Charging Party the right to file a grievance before she was terminated on August 1, 2003. Information gathered during the investigation revealed the charge is untimely filed. Board Member Verich moved that the Board dismiss the charge with prejudice as untimely filed. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

3. Cases 03-ULP-10-0547 Evelyn Johnson v. State of Ohio, Department of Youth Services and Shannon Teague

State Employment Relations Board Minutes
January 22, 2004
Page 7 of 15

03-ULP-10-0549

Evelyn Johnson v. State of Ohio,
Department of Youth Services and Twila
Wellmaker

The unfair labor practice charges alleged the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1), (2), (3), and (7) by changing the Charging Party's days off, assigning her additional duties, threatening her about filing a grievance, and interfering with the formation of a union. Information gathered during the investigation revealed the Charging Party did not exercise her guaranteed rights until after her hours were changed. The comments made at the October 14, 2003 meeting were not threatening and were unrelated to the grievances. Additionally, no evidence was provided to support the other allegations of the charges. Vice Chairman Gillmor 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. 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-ULP-11-0586

Ohio Association of Public School
Employees, Local 4, AFL-CIO and Its
Local 410 v. City of Jackson

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (2), and (5) by failing to accept or reject a tentative agreement within thirty days of submission, and by refusing to sign the agreement. Information gathered during the investigation revealed the Charged Party did not act within the thirty days as prescribed by law. Additionally, no information was provided to support the Ohio Revised Code § 4117.11(A)(2) violation. Board Member Verich moved that the Board find probable cause to believe unfair labor practices have been committed, authorize the issuance of a complaint, refer the matter to an expedited hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5), but not (A)(2), by failing to recognize the parties' collective bargaining agreement, 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

State Employment Relations Board Minutes
January 22, 2004
Page 8 of 15

5. Case 03-ULP-10-0503 Ricardo Volley v. State of Ohio,
Department of Youth Services,
Scioto/Riverview Juvenile Correction
Facility

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by making employees work at a closed facility without permission of the union. Information gathered during the investigation revealed the perimeter checks are strictly a contractual issue, and 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 any discussion and stated that she agrees with the recommendation and does not feel the case needs to be deferred to the parties' grievance-arbitration procedure. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

6. Case 03-ULP-10-0504 Ricardo Volley v. State of Ohio,
Department of Youth Services,
Scioto/Riverview Juvenile Correction
Facility

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) by failing to inform the union that an employee was assigned to a temporary working level position. Information gathered during the investigation revealed the contract covers temporary working level positions, and no statutory issues are present. 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

State Employment Relations Board Minutes
January 22, 2004
Page 9 of 15

7. Case 03-ULP-10-0568 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. Information gathered during the investigation revealed the Charging Party has failed to provide a clear and concise statement of the facts constituting an alleged violation. Vice Chairman Gillmor 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. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

8. Case 03-ULP-09-0498 Cuyahoga County Sanitary Engineers Service Workers Association v. Cuyahoga County Board of Commissioners

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (5), and (8) by refusing to bargain in good faith, failing to provide requested information in a timely manner, and causing the Charging Party to commit a violation of the statute. Information gathered during the investigation revealed the Charged Party did delay in providing necessary information, which eliminated the Charging Party from the municipal rates process. The delay did not preclude the Charging Party from fulfilling its bargaining responsibilities. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5), but not (8), by refusing to bargain in good faith and failing to provide requested information in a timely manner, 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

9. Cases 03-ULP-10-0506 Alfred L. Hale v. Greater Cleveland Regional Transit Authority
03-ULP-10-0507 Alfred L. Hale v. Amalgamated Transit Union, Local 268
03-ULP-10-0508 Alfred L. Hale v. Romadon Sabir

In Case 03-ULP-10-0506, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (6) by coercing the Amalgamated Transit Union, Local 268 and Romadon Sabir into changing a statement regarding an October 16, 2002 accident. In Case 03-ULP-10-0507, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(1), (2), (3), and

State Employment Relations Board Minutes
January 22, 2004
Page 10 of 15

(6) by coercing Romadon Sabir to change his statement regarding an October 16, 2002 accident. In Case 03-ULP-10-0508, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(1) and (2) by recanting his statement. Information gathered during the investigation revealed no one coerced Mr. Sabir into changing his statement. The information provided did not support the allegations. Vice Chairman Gillmor 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. 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-ULP-09-0448 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 failing to bargain the effects of reorganization, which abolished positions. Information gathered during the investigation revealed the allegations concern contractual and statutory issues and should be addressed through the parties' grievance-arbitration process. Board Member Verich moved that the Board defer the charge to the parties' grievance-arbitration procedure, and retain jurisdiction pursuant to *In re Upper Arlington Ed Assn*, SERB 92-010 (6-30-92). 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-10-0520 Mandel Hooks v. State of Ohio, Department of Rehabilitation and Correction, Lorain Correctional Institution and Ron Armbruster

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1) and (5) by failing to give the Charging Party the opportunity to have his grievance heard at Step 2. Information gathered during the investigation revealed a grievance was filed at Step 3 in error, and the union did not refile the grievance. Additionally, no evidence was provided to show how the Charged Parties violated the statute or that an Ohio Revised Code § 4117.11(A)(5) 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 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
January 22, 2004
Page 11 of 15

12. Case 03-ULP-10-0510 Communications Workers of America,
Local 4546 v. Summit County Children
Services Board

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (2), (3), and (5) by suspending Local President Robin Schenault for engaging in protected activity. Information gathered during the investigation reveals Ms. Schenault was acting in her capacity as Union President without ground rule restrictions when she supplied the information for the press release. The Charged Party's actions interfered with the administration of the Charging Party, and Ms. Schenault was disciplined for exercising guaranteed rights. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, coordinate with Case Nos. 03-ULP-06-0347 and 03-ULP-07-0357, 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), (2), and (3), but not (5), by disciplining Robin Schenault for providing information for the Charging Party's press release, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion and stated that she was glad to see the Board directing mediation in this case, especially after dealing with a strike issue. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

13. Case 03-ERC-10-0002 Summit County Children Services Board
v. Communications Workers of America,
Local 4546

The noncompliance complaint alleged the Employee Organization has violated Ohio Revised Code § 4117.19(A) and (B) by failing to file its required reports with the State Employment Relations Board. Information gathered during the investigation reveals the Employee Organization has filed the constitution and by-laws and financial statements for the years 2000 through 2002. Vice Chairman Gillmor moved that the Board find the Employee Organization to be in compliance with current information and dismiss the complaint. 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
January 22, 2004
Page 12 of 15

14. Case 03-ULP-09-0490 Akron Firefighters Association, IAFF
Local 330, AFL-CIO v. City of Akron

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally assigning bargaining-unit work to nonbargaining-unit employees. Information gathered during the investigation reveals the Charged Party unilaterally assigned District Chief duties to Deputy Chiefs without bargaining. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally assigning bargaining-unit work to nonbargaining-unit employees, 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

15. Case 03-ULP-09-0491 Kim Emser and Diane Kozjek v. Ohio
Association of Public School Employees,
AFSCME Local 336, AFL-CIO and Terry
Hostovich

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 Parties. Information gathered during the investigation reveals the Charging Parties were represented through the layoff and grievance process. No information was provided to demonstrate 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

16. Case 03-ULP-10-0561 Jennifer Casedy v. State of Ohio,
Department of Rehabilitation and
Correction, Ohio State Penitentiary and
Bob Elias

17. Case 03-ULP-10-0567 Terry Clay v. Ohio Council 8, American
Federation of State, County and
Municipal Employees, Local 506, AFL-
CIO

State Employment Relations Board Minutes
January 22, 2004
Page 13 of 15

18. Case 03-ULP-10-0544 Jean Sandifer, et al. v. Huron County Board of Commissioners

The Charging Parties have failed to respond to requests for information. Board Member Verich moved that the Board dismiss the charges with prejudice because the Charging Parties have failed to pursue the matters. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

19. Case 03-ULP-07-0390 Northwest State Community College Education Association, OEA/NEA v. Northwest State Community College and Ken Esterline

On November 20, 2003, the Board dismissed the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Parties. On December 16, 2003, the Charging Party filed a timely motion for reconsideration. A review of the original investigation revealed that the Charging Party has failed to raise issues warranting reversal of the dismissal. Vice Chairman Gillmor moved that the Board deny the Charging Party's motion for reconsideration with prejudice. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

20. Case 03-ULP-12-0653 Andrew Phillips v. Medina City Teachers Association, OEA/NEA and JoAnn Shire

21. Case 03-ULP-11-0631 Ohio Patrolmen's Benevolent Association v. Lucas County Sheriff and Director Jon Rogers

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

VI. ADMINISTRATIVE MATTERS

Executive Director Pat Snyder stated the Agency-Wide Safety/Security Action Plan (ASAP), used by the Department of Administrative Services, will be used by SERB in a scaled-down version to suit our agency. One aspect of this plan that SERB will be using is the emergency medical form/contact sheet. Employees will also be issued emergency cards. The staff has been asked, on a voluntary basis, to fill out the form. SERB's QStP Security committee will review the plan to see if there are any other issues that need to be addressed by the agency in following this plan.

Executive Director Snyder said that on the recommendation of DAS Risk Management, the agency is conducting an inventory of replacement costs on computers and office equipment, to obtain a quote on property and liability insurance.

Executive Director Snyder mentioned that on February 19, 2004, Mediator Ed Turner will give a presentation at the Manager's meeting regarding values, trust, and EQ training, with a view toward later training the entire SERB staff. She will be asking the managers for their input on this presentation.

Executive Director Snyder announced that Debby Morgan has returned from a long absence to the Research and Training section. The section is very glad to have her back.

Executive Director Snyder mentioned that the posting for the Fiscal Officer is in progress. She is getting all the information together and will be reviewing it before being posted. Once the position is filled, the Fiscal Officer will work on the budgeting process.

Executive Director Snyder stated that today starts the two-day SERB Academy. The Board members will be attending later in the afternoon, the mediation materials being presented are up-dated as it has the new mandatory statutory updates in it, and updated forms and other materials from the other sections are also included.

Chairman Drake mentioned that she is sending out letters with the new SERB Annual Report to the legislators, cabinet member, and pertinent government officials she knows. She is adding a personal note to some of them. She asked that if the other Board members would also like to put in a personal note, to please let her know and that she would make sure they are included when sending out the reports.

Executive Director Snyder discussed the cost of a two-day election Administrator Alan Bonham and Labor Relations Specialist Gary Kennedy conducted in Cuyahoga County which resulted in the need for a re-run. She noted that the projected cost of both elections, with meals, overnight lodging and travel is \$5,030.00, and points out the unpredictable costs the agency faces with on-site elections.

State Employment Relations Board Minutes
January 22, 2004
Page 15 of 15

Executive Director Snyder mentioned that the resolution SERB presented to NLRB supervisory Attorney Melvin Feinberg was well received.

Chairman Drake mentioned that SERB normally sponsors two SERB Academies each year, one in Columbus and the other at Atwood Lake. She asked Executive Director Pat Snyder to discuss the idea of postponing or canceling the Atwood Lake Academy with the Administrator of Research and Training, Cheri Alexander. Chairman Drake was concerned that the staff are continuing to work on projects like SERB Academy, a noteworthy undertaking, and are attempting at the same time to update the clearinghouse database that is in constant demand from parties in bargaining or preparing for bargaining. Chairman Drake continued stating it would seem that the greater priority would be to have as many contracts read and data inputted into the system. Executive Director Snyder reported that Ms. Alexander has no problem with canceling the Atwood Academy. Vice Chairman Gillmor asked how many were attending this Academy in Columbus, which is around 70, and how many attend Atwood Lake, which is much less, and what would be the impact of not having one there at Atwood Lake. It was suggested that economics have played a strong part in the decrease of people attending, and if there are people who are interested in Atwood Lake, they could be directed to the one in Columbus. The SERB 20th Anniversary celebration and the Developing Labor Law conference will be held this year. Chairman Drake asked the Board members if they had any objections, and if not, Executive Director Snyder would tell the Research and Training section that there will be only one SERB Academy this year. All agreed to the suggestion.

General Counsel Russ Keith mentioned there will be an oral argument regarding the SERB v. City of Cincinnati case on Friday March 19, 2004, at 11:00 a.m.

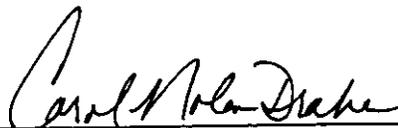
VIII. ADJOURNMENT

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