

STATE EMPLOYMENT RELATIONS BOARD

STATE OF OHIO

MINUTES

The State Employment Relations Board met on Thursday, February 5, 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 22, 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:

1. Case 03-MED-07-0740 Fraternal Order of Police, Ohio Labor Council, Inc. and Jefferson County Sheriff

The Employee Organization filed a motion to withdraw its notice to negotiate with the Employer. The notice was filed prematurely. Board Member Verich moved that the Board grant the motion to withdraw the notice to negotiate. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

2. Case 03-MED-10-1199 Fraternal Order of Police, Ohio Labor Council, Inc. and Hocking County Sheriff

The Employee Organization filed a motion to withdraw its notice to negotiate with the Employer. There are no longer Corrections Officers employed by the Employer. Vice Chairman Gillmor moved that the Board grant the motion to withdraw the notice to negotiate. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

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3. Case 03-MED-11-1356 Professionals Guild of Ohio and Clark County Board of Mental Retardation and Developmental Disabilities

The Employee Organization filed a request to withdraw its notice to negotiate with the Employer. Board Member Verich moved that the Board grant the request to withdraw the notice to negotiate. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

4. Case 03-MED-09-1049 Ohio Council 8, American Federation of State, County and Municipal Employees, Local 3756, AFL-CIO and Miami County Commissioners

The Employer filed a motion to dismiss the notice to negotiate with the Employee Organization. The Employee Organization filed a disclaimer of interest and no longer wishes to be the exclusive representatives of the bargaining unit. Vice Chairman Gillmor moved that the Board grant the motion to dismiss the notice to negotiate. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

5. Cases 03-MED-12-1402 Fraternal Order of Police, Lodge 112 and
03-REP-12-0245 City of Loveland

The Employee Organization filed the notice to negotiate on December 8, 2003. 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. Board Member Verich moved that the Board stay the negotiations in Case 03-MED-12-1402 pending the disposition of Case 03-REP-12-0245, and expedite the processing of the representation case. Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion, and Labor Relations Administrator Alan Bonham stated that letters and the notice have been sent out, and that there will be an election but it cannot be held until after March 31, 2004, which is when the contract expires. Chairman Drake called for the vote.

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

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6. Case 03-MED-10-1306 Fraternal Order of Police, Ohio Labor Council, Inc. and Wood County Sheriff

The Employee Organization filed a notice to negotiate on October 30, 2003. The Employee Organization filed a motion to withdraw its notice to negotiate involving the Employer. The Employee Organization filed the notice to negotiate prematurely. Vice Chairman Gillmor moved that the Board grant the motion to withdraw the notice to negotiate. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

7. Cases 03-MED-12-1435 Professionals Guild of Ohio and Lucas County Children Services Board
03-MED-12-1436
03-MED-12-1437
03-MED-12-1438
03-MED-12-1439
03-MED-12-1440

The Employee Organization filed notices to negotiate on December 29, 2003. On January 12, 2004, the Employer filed a motion to dismiss the notices to negotiate filed by the Employee Organization or to stay negotiations. On January 30, 2004, the Employee Organization filed a response to the Employer's motion. The Employer questioned whether the Employee Organization has a right to file the notices to negotiate because the reopener provision has not been triggered yet. Board Member Verich moved that the Board grant the motion to dismiss without prejudice and deny the motion to stay negotiations as moot. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 03-REP-07-0123 International Union of Police Associations, AFL-CIO and City of Perrysburg

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2. Case 03-REP-09-0177 Ohio Patrolmen's Benevolent Association and City of Bedford Heights

In Case 03-REP-07-0123, the Employee Organization filed a Petition for Representation Election seeking to represent certain employees of the Employer. The Employer filed objections. A conference call was conducted and the parties reached an agreement concerning the proposed bargaining unit. In response to the Employer's willingness to voluntarily recognize the Employee Organization, the Employee Organization filed a Request for Recognition. The Employer has complied with the posting requirements. In Case 03-REP-09-0177, the Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Employer has complied with the posting requirements. The Employer also filed objections and a Petition for Representation Election. A conference call was conducted and the parties reached an agreement concerning the proposed bargaining unit. In response to the Employer's willingness to voluntarily recognize the Employee Organization, the Employee Organization filed an amended Request for Recognition. The substantial evidence is sufficient. Vice Chairman Gillmor moved that the Board certify the Employee Organizations as the exclusive representatives of all employees in the bargaining units. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
 Affirmed X Denied

3. Case 03-REP-10-0206 William D. Cecil and Teamsters Local Union No. 957 and City of Clayton, February 24, 2004

The Petitioner filed a Petition for Decertification Election seeking to decertify the Employee Organization, which is the Board-certified exclusive representative for certain employees of the Employer. The parties entered into a Consent Election Agreement seeking an election on February 24, 2004. Board Member Verich moved that the Board approve the Consent Election Agreement and direct an election to be conducted on the date as indicated. 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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4. Case 04-REP-01-0001 Paper, Allied Industrial, Chemical and Energy Workers International Union, AFL-CIO and City of Avon Lake

The Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The jointly filed Petition for Amendment of Certification seeks to amend the certification to reflect a name change for the Employee Organization and changes in job titles. Vice Chairman Gillmor moved that the Board approve the jointly filed petition and amend the unit accordingly. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

5. Case 03-REP-10-0199 Professionals Guild of Ohio and Taylor Memorial Public Library

The Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The Employee Organization filed a Petition for Clairfication of Bargaining Unit seeking to clarify the unit to include Technology Manager. The Employer filed a response in opposition to the clarification. The Employee Organization filed a response. The case has been mediated, and the parties dispute remains. Board Member Verich moved that the Board direct the case to hearing to determine the bargaining-unit status of the employees in question, 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 ___

6. Case 03-REP-08-0149 Weathersfield Teachers Association, OEA/NEA and Weathersfield Local School

The Employee Organization is the deemed-certified exclusive representative of certain employees of the Employer. Jennifer Staunton filed a Petition for Amendment of Certification seeing disaffiliation from OEA/NEA. In support of the petition, Ms. Staunton provided minutes from a meeting that contained employee voting results pertaining to disaffiliation. The Employer filed a letter stating it does not oppose or support the petition. The Employer states the petition is not a joint filing, but only signed by the Employer per Ms. Staunton's request. OEA/NEA filed a motion to deny the petition, maintaining Ms. Staunton has not provided verification that she has been authorized by the Employee Organization to file the Petition for Amendment of Certification on its behalf. Ms. Staunton did not file a response. Ms. Staunton confirmed that she is a

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10. Case 03-REP-09-0173 Fraternal Order of Police, Ohio Labor Council, Inc. and Clinton County Sheriff

- There were 12 ballots cast
- There were 0 challenged ballots
- No Representative received 4 votes
- Fraternal Order of Police, Ohio Labor Council, Inc. received 8 votes and has prevailed in this election.

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

- There were 7 ballots cast
- There were 0 challenged ballots
- No Representative received 3 votes
- Ohio Patrolmen's Benevolent Association received 4 votes and has prevailed in this election.

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

- There were 5 ballots cast
- There were 0 challenged ballots
- No Representative received 0 votes
- Fraternal Order of Police, Ohio Labor council, Inc. received 2 votes
- Ohio Patrolmen's Benevolent Association received 3 votes and has prevailed in this election.

Board Member Verich moved that the Board certify the election results and certify the prevailing employee organizations as the exclusive representatives of all employees in the bargaining units. 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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V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Cases 03-ULP-10-0542 John T. Fischbach v. City of Toledo
03-ULP-11-0616 John T. Fischbach v. City of Toledo

The unfair labor practice charges alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (3), (4), and (6) by not promoting the Charging Party and then removing him from his current position after he filed an unfair labor practice charge and an EEOC complaint. Information gathered during the investigation revealed the Charging Party was not promoted and placed back in his permanent position because the section was reorganized, and not because he exercised guaranteed rights. Additionally, no information was provided to support an Ohio Revised Code § 4117.11(A)(6) violation occurred. 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 Party. 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-10-0526 Fraternal Order of Police, Kettering Lodge No. 92 v. City of Kettering

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally implementing a new scheduling policy. Information gathered during the investigation revealed the Charging Party requested to bargain the unilateral change in hours, and the Charged Party refused to bargain. 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 implementing a new scheduling policy, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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3. Case 03-ULP-11-0594 Grandview Heights Education Support Staff Association, OEA/NEA v. Grandview Heights 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 (5) by approving a volunteer aide to perform the job duties of a full-time special education aide. Information gathered during the investigation revealed the volunteer is not performing work previously performed by bargaining-unit members. 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. Case 03-ULP-10-0560 Amalgamated Transit Union, Local No. 627 v. Southwest Regional Transit Authority

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by failing to bargain over the use and installation of surveillance cameras. Information gathered during the investigation revealed the cameras had no material effect on wages, hours, or terms and conditions of employment. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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5. Case 03-ULP-10-0562 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO v. City of Warren

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally implementing medical benefit changes without bargaining. Information gathered during the investigation revealed the changes to the medical program could have been bargained, but the Charged Party refused. Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally implementing medical benefit changes without bargaining, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

6. Case 03-ULP-09-0438 Northwood Local Schools Support Personnel Association, OEA/NEA and Letha Dale v. Northwood Local School District Board of Education

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by eliminating a bus route, eliminating bus drivers from the route structuring procedure, and by altering Ms. Dale's terms and conditions of employment because she engaged in protected activities. Information gathered during the investigation revealed Ms. Dale was not harmed by the changes, which are strictly contractual. Additionally, no statutory violation occurred. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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7. Case 03-ULP-12-0654 Scioto Township Firefighters Local 4000 v. Scioto Township Trustees, Pickaway County, and Fire Chief William Weber

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1), (2), and (5) by refusing to bargain in good faith. Information gathered during the investigation revealed the Charged Parties' refusal to meet on one day that the fire chief was not at work is not bad-faith bargaining. 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

8. Case 03-ULP-10-0545 Lorain County Deputy Association v. Lorain County Commissioners and Lorain County Sheriff

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by bargaining in bad faith when it lowered health care contributions of nonbargaining-unit employees, and kept the bargaining-unit employees' contributions at the same high level. Information gathered during the investigation revealed the County Commissioners changed the rates for the nonbargaining-unit employees, but the County Commissioners are not the employer of the bargaining-unit employees. The County Commissioners' actions are not bad-faith bargaining. The Sheriff did not change the rates. Additionally, no information was provided to support an Ohio Revised Code § 4117.11(A)(3) violation occurred. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged 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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9. Case 03-ULP-09-0487 Julie K. Moore v. International Brotherhood of Teamsters Local 100 and Lydia Combs

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(B)(1) and (6) by causing the Charging Party's job to be posted, refusing to provide her with fair representation, and attempting to get the employer to discipline her in retaliation for efforts to decertify the Charged Party. Information gathered during the investigation revealed the Charged Parties' actively sought to get Charging Party's supplemental job taken from her, initially denied her representation, and then attempted to secure discipline for the Charging Party instead of defending her against such harm. 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(B)(1) and (6) by refusing to provide the Charging Party with fair representation, and attempting to get the Employer to discipline the Charging Party in retaliation for her being a nonmember of the Charged Party and her effort to decertify the Charged Party, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

10. Case 03-ULP-10-0518 Owens Faculty Association v. Owens Community College, Mary Stroud, and Venus Breinich

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1), (2), (3), and (7) by interfering with Basil Zeitoun's rights and denying him representation. Information gathered during the investigation revealed Mr. Zietoun was reprimanded for reasons other than exercising guaranteed rights, and he had union representation when he received his reprimand. Additionally, no information was provided to support Ohio Revised Code § 4117.11(A)(2) or (7) 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 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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11. Case 03-ULP-09-0447 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 673 v. Southington Local School District Board of Education

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by failing to compensate the Charging Parties' officers for work performed and informing employees they were required to pay back monies earned in retaliation for engaging in a strike, and by failing to provide COBRA health insurance information. Information gathered during the investigation revealed the Charged Party's actions were for legitimate business reasons and unrelated to protected activities. No monies identified as being overpaid have been requested to be repaid, and all adjustments were explained. Additionally, the COBRA sheets were distributed, and any delay was caused by the company providing the sheets, and not the Charged Party. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

12. Case 03-ULP-09-0489 Robert Folk, Richard Parker, and Tino Valjean v. City of Painesville

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (2), and (3) by sending a letter to the State Employment Relations Board opposing the Charging Parties' effort to unionize, dissuading the union from pursuing representation, and disciplining Mr. Folk for attempting to unionize. Information gathered during the investigation reveals Mr. Folk was disciplined for reasons other than exercising guaranteed rights. Richard Park and Tino Valjean suffered no harm, and no evidence was provided to support they were restrained or coerced in exercising their 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 __

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13. Case 03-ULP-02-0049 International Brotherhood of Teamsters
Local Union No. 436 v. Ohio Turnpike
Commission

On June 13, 2003, the Board deferred the unfair labor practice charge to the parties' grievance-arbitration process. The arbitrator's award was issued on October 17, 2003. On November 26, 2003, the Charging Party filed an untimely motion for review with the State Employment Relations Board. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice as having been resolved between the parties pursuant to the grievance-arbitration process. 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-07-0366 Jason Allomong v. Ohio Turnpike
Commission

On October 24, 2003, the Board deferred the unfair labor practice charge to the parties' grievance-arbitration process. On November 24, 2003, the case was settled without going to arbitration. 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 __

15. Case 03-ULP-10-0539 Ohio Association of Public School
Employees, AFSCME Local 4, AFL-CIO
and Its Local 673 v. Southington Local
School District Board of Education

Vice Chairman Gillmor moved that the Board table this case to the next board meeting. Board Member Verich seconded the motion. Chairman Drake called for any discussion and stated she would like more time to research the matter before voting. Chairman Drake called for the vote.

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

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16. Cases 03-ULP-09-0484 Sheri Flarida v. Ohio Council 8,
American Federation of State, County
and Municipal Employees, Local 1770,
AFL-CIO
- 03-ULP-09-0485 Sheri Flarida v. Allen County Board of
Mental Retardation and Developmental
Disabilities

On December 3, 2003, the Board dismissed the unfair labor practice charges for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Parties, and as untimely filed. On January 14, 2004, the Charging Party filed a timely request for reconsideration. In Case 03-ULP-09-0484, new information was provided supporting that the charge was timely filed even though it does not merit reversal of a no-probable-cause finding. In Case 03-ULP-09-0485, no new information was provided not already addressed in the original investigation. Board Member Verich moved that the Board, in Case 03-ULP-09-0484, 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 that an unfair labor practice has been committed by the Charged Party, and in Case 03-ULP-09-0485, that the Board construe the Charging Party's letter as a motion for reconsideration, and deny the motion with prejudice. 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-ULP-11-0610 Ann Miller v. Copley-Fairlawn City
School District Board of Education

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 has 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 __

18. Case 03-ULP-10-0533 International _____ Longshoremen's
Association, Local 1317 v. City of
Cleveland
19. Case 03-ULP-10-0535 Northwest State Community College
Education Association, OEA/NEA v.
Northwest State Community College

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20. Cases 03-ULP-10-0529 Ricardo Volley v. State of Ohio,
Department of Youth Services
- 03-ULP-10-0551 Ricardo Volley v. Ohio Civil Service
Employees Association, AFSCME
Local 11, AFL-CIO, Chapter 2130
21. Case 03-ULP-09-0500 Buckeye Valley Teachers Association,
OEA/NEA v. Buckeye Valley Local
School District Board of Education and
Marsha McDevitt-Stredney
22. Case 03-ULP-11-0591 Bryan T. Lenzo v. State of Ohio, Ohio
Civil Rights Commission

Board Member Verich moved that the Board construe the letters and notice 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 __

23. Case 03-ULP-11-0599 International Brotherhood of Teamsters,
Local Union No. 654 v. Clark County
Board of Mental Retardation and
Developmental Disabilities

On November 14, 2003, the Charging Party filed a motion to expedite the unfair labor practice charge. The charge was assigned priority status. On January 26, 2004, the Charging Party filed a letter requesting withdrawal of the charge. Vice Chairman Gillmor moved that the Board construe the letter of withdrawal as a motion, and grant the motion to withdraw with prejudice, and deny the motion to expedite as moot. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

VI. ADMINISTRATIVE MATTERS

Executive Director Pat Snyder stated the 2003 Health Care Survey responses have increased over the previous year's and offered some examples: Cities – 68.83% compared to 56.76% before; Counties – 65.91% compared to 40.9% before; Townships – 54.67% compared to 16.9%; School Districts – 67.87% compared to 52.6%; and Colleges/Universities – 63.16% compared to 2.77% before. Executive Director Snyder also thanked Mediator Craig Young for his assistance in helping to prepare the report given to the Board along with urging the parties to respond as quickly as possible with their survey.

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Executive Director Snyder mentioned the OBM Budget Communications she has received. OBM is requiring a program structure budget covering agency programs in effect so that agencies can be more specific in their reporting the information. Executive Director Snyder also mentioned that OBM has expedited the budget process, and information is to be submitted earlier than in previous years.

Executive Director Snyder discussed an analysis by Sophisticated Systems, Inc. (SSI) of computer hardware at SERB. A written report has been given to the Board. Some recommendations in the report list 2 new servers are needed, exchange and/or firewall server is needed, and an up-to-date Windows Operating system. Executive Director Snyder mentioned that IT Supervisor Anderson Reed concurs with the recommendations except for the firewall server. A verbal recommendation also from SSI recommended we replace 21 desktops. Chairman Carol Drake stated she was not surprised with this recommendation, because she is aware SERB has not replaced them in a very long time. Executive Director Snyder mentioned that if SERB takes the recommendation from SSI, the cost will be around \$45,000.00. She is asking the Board to review the information and to give her their input.

Executive Director Snyder next mentioned the MyDoom Virus attempted to infiltrate our system. SERB was hit 14,357 times with this virus, and fortunately our firewall prevented SERB from being infected. The firewall really helps in stopping such viruses to penetrate any computer system, and that is why SSI is recommending that a newer firewall be purchased. This particular virus is to expire February 12, 2004. Vice Chairman Gillmor mentioned that on her computer at home it gives a warning message if a virus is trying to penetrate her system and she does not open the e-mail, but she can still see what it is. She suggested that maybe we should check our computer system to see if SERB's system can do the same thing. General Counsel Russ Keith mentioned that there has been discussion on this topic in the past, and Executive Director Snyder said they would check into it again.

Executive Director Snyder mentioned she is going to have a meeting with the staff in the Clerk's Office to discuss their office space and better cubicle use in there. Executive Director Snyder has received a proposal from a company that came in and measured the area, and she will review the proposal. Some of the cubicles recommended in this proposal have see-through panels, some give them a little bit more privacy, and some have extenders for above use. She will report back to the Board and will give them a recommendation on what needs to be done in the Clerks Office.

Executive Director Snyder discussed the FMLA policy for SERB. She will be giving each staff member a copy of this policy that includes information on employee and employer's rights. She also mentioned that it is still the policy of this agency to have an employee use paid leave first before using unpaid leave under FMLA when requesting time off.

Executive Director Snyder announced that SERB now has a voicemail message on its main line. The message states SERB's business hours and when the offices will be closed for a holiday and for any other reason. It is not designed to take messages, but to give callers this information.

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Executive Director Snyder announced that Labor Relations Specialist Amy Hughes has returned from maternity leave and was welcomed back. Labor Relations Administrator Alan Bonham stated that Ms. Hughes has been given some unfair labor practice cases to complete where responses have already been received, and will have some available for the Board's determination at the next meeting.

Executive Director Snyder discussed the SERB Academy comments, and how favorable they all were. Out of 5 points, many ranged from 4.5 and up. This conference is consistently popular. There were 45 people attending, and it netted SERB approximately \$5,500. Executive Director Snyder has asked the Board members to review the comments SERB received.

Chairman Carol Nolan Drake discussed the Public Sector Labor Relations Association (PSLRA). She will be attending a meeting on February 19, 2004 with the Association, and will be talking about SERB and its role in the public sector. Chairman Drake also mentioned that on March 26, 2004, she and Executive Director Snyder will be attending the Ohio Federation of Teachers conference in Toledo and will speaking with them on SERB.

Chairman Drake mentioned a memorandum she received from DAS regarding the Rhodes Tower having some vacant space available. The Supreme Court will be vacating space, covering approximately 71,500 square feet of space, and DAS is asking state agencies if they would be interested in this space or partial space. At the present time SERB uses approximately 14,000 square feet. Chairman Drake further stated that if we would move into this space, monies would have to be found to cover the cost of the move. SERB cannot afford to have more money taken out of its budget to cover this expense and still function effectively. Chairman Drake does not see how SERB can consider this offer because of our current budget. Further discussion took place mentioning that twenty years ago SERB was not occupying space in any State building based on the fact that it was a neutral entity and, in order to completely function in that capacity, it was advised to maintain offices in a neutral setting. Vice Chairman Gillmor suggested that since time changes things, maybe SERB needs to look into asking parties SERB deal with if they have any objections of our occupying space in a state building should we ever consider an offer like this again in the future. Parking was another issue that also needs to be considered. We have people coming into our offices from all over Ohio for hearings and meetings. At the present time having the City Center parking garage and the State House underground parking nearby is an advantage for those people to come to the offices without any problem. Board Member Verich and Vice Chairman Gillmor concurred with Chairman Drake in staying where we are under the present circumstances.

Executive Director Snyder asked General Counsel Russ Keith for an update on the Rules. General Counsel Keith stated that a mailing went out to 32 unions and employers asking for any comments or changes to the Rules. There have been two unions and one employer responding to the changes. There will be a public hearing for anyone to attend to discuss any further changes or comments given to SERB for the rules, and then SERB's recommendations will be filed and processed accordingly.

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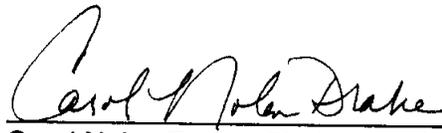
VIII. ADJOURNMENT

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



Carol Nolan Drake, Chairman