

STATE EMPLOYMENT RELATIONS BOARD

STATE OF OHIO

MINUTES

The State Employment Relations Board met on Thursday, February 26, 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 February 5, 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 02-MED-09-0808 United Steelworkers of America, Local 6621 and City of Lorain

The Employee Organization filed a motion to continue the conciliation hearing under the parties mutually agreed upon dispute settlement procedure with the Employer. The Employer filed an Objection to Motion for Continuance. The Employee Organization filed a motion to withdraw their request for a continuance. Board Member Verich moved that the Board grant the request to withdraw and dismiss the motion to continue as moot. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

2. Cases 03-MED-09-0888 Fraternal Order of Police, Ohio Labor Council, Inc. and Clark County Sheriff
04-ULP-01-0033

The Employee Organization filed a motion to stay negotiations involving the Employer. The Employee Organization requested the conciliation hearing be stayed pending the disposition of the unfair labor practice charge. Vice Chairman Gillmor moved that the Board grant the motion to stay the negotiations pending the disposition of Case 04-ULP-01-0033. Board Member Verich seconded the motion. Chairman Drake called for any discussion, and Labor Relations Administrator Alan Bonham stated that the unfair labor practice charge is a priority case, and upon the completion of the investigation, it will be before the Board at a future meeting. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

State Employment Relations Board Minutes
February 26, 2004
Page 3 of 30

4. Case 03-REP-09-0186 First Consolidated Professional Fire Fighters, IAFF and First Consolidated Fire District

In Cases 03-REP-12-0240 and 04-REP-01-0004, the Employee Organizations filed Requests for Recognition seeking to represent certain employees of the Employers. The substantial evidence is sufficient and no objections have been filed. The Employers have complied with the posting requirements. In Case 03-REP-11-0229, the Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The substantial evidence is sufficient. The Employer has complied with the posting requirements set forth in Ohio Revised Code § 4117.05(A)(2). The Board has received thirty-six timely employee objections and one untimely objection. Ohio Administrative Code 4117-3-02(B)(2) states that the Board shall certify the Employee Organization on the twenty-first day unless the Board receives substantial evident demonstrating that a majority of the employees in the unit do not wish to be represented by the Employee Organization. The Employer's list contained 119 employees. Thirty-six timely objections equals 30% of the employees on the Employer's list. Thirty-six is not a majority of 119. In Case 03-REP-09-0186, the Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Employer filed objections. A conference call was conducted, and the Employer has filed a withdrawal of the objections. Board Member Verich moved that the Board grant the Employer's withdrawal of the objections in Case 03-REP-09-0186, and certify 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 Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

5. Case 03-REP-12-0237 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Summit County Fiscal Office

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Board received substantial evidence demonstrating that a majority, 13 out of 22 employees in the bargaining unit do not wish to be represented by the Employee Organization that filed the Request for Recognition. Vice Chairman Gillmor moved that the Board direct an election to be conducted at a date, time, and place determined by the Representation Section in consultation with the parties. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

State Employment Relations Board Minutes
February 26, 2004
Page 4 of 30

6. Case 03-REP-06-0107 Deerfield Professional Fire Fighters, IAFF Local 4286 and Deerfield Township, Warren County
7. Case 03-REP-10-0197 PARTA Maintenance Employees and Portage Area Regional Transportation Authority

In Case 03-REP-06-0107, the Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Employer responded by filing a Petition for Representation Election and objections. Several conference calls were conducted, and the case was mediated and directed to hearing. As a result of further mediation efforts, the parties entered into a settlement agreement, and the Employee Organization has filed a letter withdrawing the request. In Case 03-REP-10-0197, the Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Employer filed a Petition for Representation Election and objections. The Employee Organization filed a letter withdrawing the Request for Recognition. Board Member Verich moved that the Board construe the Employee Organizations' letters as motions to withdraw, grant the motions, and dismiss without prejudice the Requests for Recognition. 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-REP-11-0228 Clermont County Fraternal Order of Deputy Sheriffs and Fraternal Order of Police, Ohio Valley Lodge #112 and Clermont County Sheriff, March 10, 2004

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 entered into a Consent Election Agreement seeking an election on March 10, 2004. Vice Chairman Gillmor moved that the Board approve the Consent Election Agreement and direct an election to be conducted on the date as indicated. Board Member Verich seconded the motion. Chairman Drake called for the vote. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
 Affirmed X Denied

State Employment Relations Board Minutes
February 26, 2004
Page 5 of 30

9. Case 03-REP-07-0114 Teamsters Local Union 413 and Columbus Regional Airport Authority

The Employee Organization filed a Petition for Representation Election seeking to represent certain employees of the Employer. The Employer filed objections, and the Employee Organization filed a response. A conference call was conducted for the purposes of executing a Consent Election Agreement, but the parties could not reach an agreement as to an appropriate bargaining unit. The case was mediated and directed to hearing. The Employee Organization filed a motion to withdraw the Petition for Representation Election. Board Member Verich moved that the Board grant the Employee Organization's motion and dismiss without 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 ___

10. Case 03-REP-09-0182 Robert M. Mercer and Teamsters Local Union 436 and Portage County Treasurer

The Petitioner filed an amended Petition for Decertification Election seeking to decertify the Incumbent Employee Organization, which is the Board-certified exclusive representative for certain employees of the Employer. The Incumbent Employee Organization filed a disclaimer of interest. The parties confirmed no contract exists. Vice Chairman Gillmor moved that the Board grant the disclaimer of interest, revoke the Employee Organization's certification, and dismiss the Petition for Decertification Election as moot. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

11. Case 03-REP-07-0128 Fraternal Order of Police, Ohio Labor Council, Inc. and Union Township Trustees, Butler County
12. Case 04-REP-01-0008 Knox New Hope Education Association, OEA/NEA and Knox County Board of Mental Retardation and Developmental Disabilities
13. Case 04-REP-01-0009 Streetsboro Professional Firefighters, IAFF Local 4281 and City of Streetsboro

State Employment Relations Board Minutes
February 26, 2004
Page 6 of 30

14. Case 04-REP-01-0014 Glass, Molders, Pottery, Plastics, and Allied Workers International Union, AFL-CIO, CLC Local #384 and Columbiana County Department of Job and Family Services
15. Case 04-REP-01-0017 Fraternal Order of Police, Ohio Labor Council, Inc. and Highland County Sheriff

In Case 03-REP-07-0128, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The Employee Organization has filed a Petition for Amendment of Certification seeking to amend the existing unit to change the Employer's name to West Chester Township. The Employer has filed a copy of the resolution confirming the change. In Case 04-REP-01-0008, 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 certification pursuant to Ohio Revised Code § 5126.15(A) (HB 94) to create a separate bargaining unit for Service and Support Administrators. In Case 04-REP-01-0009, 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 change the IAFF Local to 4281. In Case 04-REP-01-0014, 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 include Data Systems Coordinator and Police Officer. In Case 04-REP-01-0017, 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 existing units by adding Detective, changing the title of Jailer to Corrections Officer, and deleting Cooks. Board Member Verich moved that the Board approve the jointly filed petitions and amend the units accordingly. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye
Affirmed X

GILLMOR Aye VERICH Aye
Denied

State Employment Relations Board Minutes
February 26, 2004
Page 7 of 30

16. Case 03-REP-03-0056 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and City of London

The Board conducted a secret ballot election on July 24, 2003, for certain clerical employees (Unit C) of the Employer. There were six eligible voters. The Employee Organization received four votes, No Representative received two votes, and there were two determinative challenged ballots. The Employee Organization and Employer filed post-election position statements regarding the challenged ballots. The case was directed to hearing on October 16, 2003, to determine the eligibility of Karen Gorman and Michelle Rammel who cast the determinative challenged ballots. As a result of mediation, the parties agreed that Ms. Rammel's position of Assistant Tax Director is in the bargaining unit; therefore, her ballot should be opened and counted. Ms. Gorman's ballot should remain sealed because she is confidential and supervises two bargaining-unit employees. The parties further agreed that the description of the bargaining unit need not be changed. Based on this information, certifying election results for Unit C will require issuing a corrected tally reflecting one challenged ballot that is not determinative, and six valid votes. Vice Chairman Gillmor moved that the Board construe the letter executed by the parties as a settlement agreement, approve the settlement agreement, issue a corrected tally, and certify Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO as prevailing in the election for Unit C. 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>	

17. Cases 03-REP-09-0157
03-REP-09-0190 International Union, United Automobile, Aerospace, Agricultural Implement Workers of America and Ohio Patrolmen's Benevolent Association and Cuyahoga County Sheriff's Department

The Board conducted a secret ballot election with the results of four hundred forty-nine ballots cast, International Union, United Automobile, Aerospace, Agricultural Implement Workers of America receiving one hundred fifty-eight votes, Ohio Patrolmen's Benevolent Association receiving two hundred twenty-three votes, the Truck Drivers Union Local No. 407, IBT receiving sixty-four votes, and No Representative receiving four votes, with one void ballot. Ohio Administrative Code Rule 4117-5-09(B) provides that when an election in which there are three choices on the ballot results in no choice receiving a majority of the ballots cast, a runoff election shall be held in which only the two choices receiving the highest number and the second highest number of votes in the original election appear on the ballot. The Ohio Patrolmen's Benevolent Association received the highest number of votes, and the International Union, United Automobile, Aerospace, Agricultural Implement Workers of America received the second highest number of votes. Certifying the election results and directing a runoff election with these two choices on the ballot is appropriate. Board Member Verich moved that the Board certify the election results, and direct a runoff election in which only the Ohio Patrolmen's Benevolent Association and the International Union, United Automobile, Aerospace, Agricultural Implement Workers

State Employment Relations Board Minutes
February 26, 2004
Page 8 of 30

Benevolent Association and the International Union, United Automobile, Aerospace, Agricultural Implement Workers of America (UAW) shall appear on the ballot, at a date, time and place to be determined by the Representation Division in consultation with the parties. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

18. Case 01-REP-08-0190 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Zanesville

The Employee Organization is the Board-certified exclusive representative for certain employees of the Employer. The Employee Organization filed a motion to revoke certification. The parties confirm no contract exists. 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

19. Case 03-REP-09-0175 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Girard

- There were 10 ballots cast
- There were 0 challenged ballots
- No Representative received 0 votes
- Fraternal Order of Police, Ohio Labor Council, Inc. received 3 votes
- Ohio Patrolmen's Benevolent Association received 7 votes and has prevailed in this election.

20. Case 03-REP-09-0176 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Girard

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

State Employment Relations Board Minutes
February 26, 2004
Page 9 of 30

21. Case 03-REP-10-0192 Keith Brown and Service Employees International Union Local 47 and Lorain County Metro Parks
- There were 26 ballots cast
 - There were 0 challenged ballots
 - No Representative received 9 votes
 - Service Employees International Union Local 47 received 17 votes and has prevailed in this election.
22. Case 03-REP-10-0194 Teamsters Local Union No. 637, IBT and Muskingum County Center for Seniors
- There were 12 ballots cast
 - There were 0 challenged ballots
 - No Representative received 2 votes
 - Teamsters Local Union No. 637, IBT received 10 votes and has prevailed in this election.
23. Case 03-REP-11-0223 Chauffeurs, Teamsters, Warehousemen and Helpers, Local Union No. 377, IBT and Canfield Local Board of Education
- There were 3 ballots cast
 - There were 0 challenged ballots
 - No Representative received 0 votes
 - Chauffeurs, Teamsters, Warehousemen and Helpers, Local Union No. 377, IBT 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

State Employment Relations Board Minutes
February 26, 2004
Page 10 of 30

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 03-REP-02-0028 Canton Professional Fire Fighters Association, Local 249, IAFF and City of Canton

Vice Chairman Gillmor moved that the Board adopt the Findings of Fact and Conclusions of Law in the Recommended Determination, finding that the Battalion Chiefs are not excluded from the definition of "public employee" within the meaning of O.R.C. § 4117.01(C) as a "management level employee" as defined by O.R.C. § 4117.01(L), and that the Battalion Chiefs should not be excluded from the bargaining unit based upon the factors in O.R.C. § 4117.06(B), grant the Petition for Amendment of Certification, and amend the existing bargaining unit to include Battalion Chiefs. 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>	

2. Case 03-ULP-02-0081 SERB v. Scioto County Board of Mental Retardation and Developmental Disabilities

On May 22, 2003, the Board found probable cause to believe a violation had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to unfair labor practice mediation. On October 6, 2003, the parties filed a settlement agreement with the Board. On October 8, 2003, the Complainant filed a motion to dismiss the complaint. On November 6, 2003, the Board approved and adopted the settlement agreement, granted the motion to dismiss, dismissed the complaint, and dismissed with prejudice the unfair labor practice charge. On December 3, 2003, the Charging Party filed a motion to show cause, contending that the Respondent had failed to comply with the terms of the settlement agreement. On January 22, 2004, a copy of the motion was sent to the Respondent giving it until February 2, 2004, to respond to the motion. The Respondent did not file a response to the motion. From the materials provided, the question of whether the Respondent has fully complied with the settlement agreement is a matter that must be addressed through a hearing on the motion to show cause. Board Member Verich moved that the Board direct this matter to a show cause hearing to determine whether the Respondent has complied with the settlement agreement and, if not, what acts must be taken to be in compliance. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote:	DRAKE <u>Aye</u>	GILLMOR <u>Aye</u>	VERICH <u>Aye</u>
	Affirmed <u>X</u>	Denied <u> </u>	

State Employment Relations Board Minutes
February 26, 2004
Page 11 of 30

3. Case 02-ULP-02-0084 SERB v. City of Springdale

Vice Chairman Gillmor moved that the Board table this matter to gather additional information. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

4. Case 02-ULP-06-0409 SERB v. Bainbridge Township
Department of Police, Geauga County

On October 10, 2002, the Board found probable cause to believe that an unfair labor practice had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to unfair labor practice mediation. On February 21, 2003, the parties filed a Joint Motion for Stay of Proceedings. In the motion, the parties requested that the hearing in this matter be stayed until after the trial in the related state court case of *Todd Mitchell v. Bainbridge Township* pending in the Geauga County Court of Common Pleas. On March 13, 2003, the Board granted the Joint Motion for Stay of Proceedings until the conclusion of the related civil proceedings pending in state common pleas court. That proceeding has been completed and Mr. Mitchell has appealed the common pleas court's decision to the Eleventh District Court of Appeals. On February 6, 2004, the parties filed a Joint Motion to Extend Stay of Proceedings. In the motion, the parties requested that the hearing in this matter be stayed until after the appeal is concluded in the related state court case, which is pending in the Geauga County Court of Appeals. The parties will not be prejudiced by the delay. Board Member Verich moved that the Board grant the Joint Motion to Extend Stay of Proceedings until the conclusion of the related civil proceeding pending in the Eleventh District Court of Appeals. 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
February 26, 2004
Page 12 of 30

5. Case 03-ULP-03-0143 SERB v. Geauga County Sheriff

Vice Chairman Gillmor moved that the Board adopt the Findings of Fact, Analysis and Discussion, and Conclusions of Law in the Administrative Law Judge's Proposed Order, finding that the Respondent violated Ohio Revised Code §§ 4117.11(A)(1) and (A)(5) by failing to bargain over the effects of a new health care coverage and benefits program; issue a cease-and-desist order with a Notice to Employees; and order the Respondent to return the bargaining-unit employees represented by the Ohio Patrolmen's Benevolent Association to the status quo as it existed before January 1, 2003, including reimbursing bargaining-unit employees for any increased contributions and expenses incurred as a result of the changes in the health care coverage and benefits program effective January 1, 2003, bargain in good faith with the Ohio Patrolmen's Benevolent Association over the effects of the changes in the health care coverage and benefits program, post the Notice to Employees for sixty days, and notify the Board in writing within 20 days of the date the Order becomes final of the steps that have been taken to comply with the order. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

6. Case 02-ULP-12-0823 SERB v. City of Lorain

Board Member Verich moved that the Board adopt the Findings of Fact and Conclusions of Law in the Proposed Order, finding that the Respondent did not violate Ohio Revised Code §§ 4117.11(A)(1) and (A)(5), dismiss the complaint, and dismiss with prejudice the unfair labor practice charge. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

7. Case 03-ULP-04-0203 Ohio Council 8, American Federation of State, County, and Municipal Employees, AFL-CIO v. City of East Cleveland

State Employment Relations Board Minutes
February 26, 2004
Page 13 of 30

8. Case 03-ULP-05-0279 SERB v. United Electrical, Radio and Machine Workers of America, Local 742 and Ruth Hollabaugh

Vice Chairman Gillmor moved that the Board approve and adopt the settlement agreements, construe the settlement agreements as motions to withdraw and dismiss, grant the motions, dismiss the complaint, 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 ___

9. Case 03-ULP-02-0091 SERB v. Sycamore Community School District Board of Education

Board Member Verich moved that the Board lift 03-ULP-02-0091 from the table matters. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

Board Member Vercich moved that the Board grant the motion to dismiss, dismiss the complaint, and dismiss with prejudice the unfair labor practice charge. Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion, and thanked General Counsel Russ Keith for following-up and confirming that the Charging Party was part of the settlement, and that it was a private settlement agreement. Chairman Drake called for the vote.

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

State Employment Relations Board Minutes
February 26, 2004
Page 14 of 30

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 03-ULP-11-0572 Deborah A. Smith v. Ohio Civil Service Employees Association, AFSCME Local 11, Lynn Kemp, and Quida Higbee

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(B)(6) by failing to fairly represent the Charging Party. Information gathered during the investigation revealed the Charged Parties vigorously represented the Charging Party by negotiating a last chance agreement, which the Charging Party violated resulting in her termination, and by negotiating the termination into a resignation. Additionally, the alleged violations regarding the last chance agreement and not being allowed to file a grievance occurred more than 90 days before the charge was filed with the Board. Board Member Verich 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 and as untimely filed regarding the last chance agreement and not being permitted to file a grievance. 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>	

2. Case 03-ULP-10-0556 Fostoria Professional Firefighters Association, Local 325, IAFF v. City of Fostoria

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by rejecting the tentative agreement and then bringing up new matters to negotiate at the fact-finding stage. Information gathered during the investigation revealed the legislative body timely rejected the tentative agreement. Ohio Revised Code § 4117.10(B) provides that either party may reopen all or parts of the agreement. Additionally, no bad-faith bargaining exists. 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 supports the recommendation based on the In re City of Barberton, SERB 88-008 (7-5-88) opinion. Chairman Drake called for the vote.

Vote:	DRAKE <u>Aye</u>	GILLMOR <u>Aye</u>	VERICH <u>Aye</u>
	Affirmed <u>X</u>	Denied <u> </u>	

State Employment Relations Board Minutes
February 26, 2004
Page 15 of 30

3. Case 03-ULP-10-0550 Huayang Sonny Cui v. State of Ohio, Department of Rehabilitation and Correction, Ohio Reformatory for Women and Dr. Alison Linn-Mowery

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1) and (3) by retaliating against the Charging Party for engaging in concerted and protected activities. Information gathered during the investigation revealed the Charging Party did not receive a bad evaluation, and his reprimand was for reasons other than engaging in concerted or protected activities. Additionally, the alleged violation regarding the performance evaluation occurred more than 90 days before the charge was filed with the Board. 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, and as untimely filed regarding the performance review allegation. 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-10-0513 Alliance Firefighters Local Union 480 v. City of Alliance

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (3) by retaliating against Earl Trimmer for exercising guaranteed rights. Information gathered during the investigation revealed Mr. Trimmer engaged in protected activity with the Charged Party's knowledge, and he received discipline. The Charged Party did not provide any information to rebut the presumption of anti-union animus. 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 Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by retaliating against Earl Trimmer for exercising guaranteed rights, 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

State Employment Relations Board Minutes
February 26, 2004
Page 16 of 30

5. Case 03-ULP-10-0563 Truck Drivers Union Local No. 40, IBT v. Mansfield City 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 refusing to pay an incentive bonus due and owed to eligible employees. Information gathered during the investigation revealed the parties are in negotiations at this time. The bonus incentive was contained in the Charged Party's work rules. 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 (3), by refusing to pay an incentive bonus to eligible 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

6. Case 03-ULP-11-0597 Columbus Education Association, OEA/NEA v. Columbus 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 unilaterally changing terms and conditions of employment by failing to enforce discipline policies. Information gathered during the investigation revealed the discipline plan is identified in the contract with grievance procedures to be followed if the plan is not implemented. Additionally, the matter was strictly contractual in nature and no statutory issues are present. 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

State Employment Relations Board Minutes
February 26, 2004
Page 17 of 30

7. Case 03-ULP-11-0598 Alliance Firefighters Local Union 480 v. City of Alliance

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (2), and (3) by interfering with employees' guaranteed rights. Information gathered during the investigation revealed Earl Trimmer was having to use union-time off to get ready for negotiations where the contract provides that the bargaining unit is afforded reasonable time to conduct union business. The past practice of using the department fax to file grievances was discontinued by the Charged Party. Additionally, no information was provided to support an Ohio Revised Code § 4117.11(A)(3) allegation occurred. 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 hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (2), but not (3), by disallowing the use of union and/or personal computers, and refusing to allow the Union representatives use of the fire department fax machine to facilitate the processing of union grievances and negotiations, 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-10-0528 International Brotherhood of Teamsters, Local 436 v. Ohio Turnpike Commission

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by refusing to bargain over the procedure for the transfer of part-time collectors. Information gathered during the investigation revealed there are no changes in the Charged Party's transfer procedure. Additionally, the proper time to address the issue is during contract negotiations. 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

State Employment Relations Board Minutes
February 26, 2004
Page 18 of 30

9. Case 03-ULP-10-0555 Jeff Starling v. City of Brunswick, Fire Department

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (2), and (3) by terminating the Charging Party because of his union membership and because the union filed a grievance, and by denying the Charging Party union representation. Information gathered during the investigation revealed the Charging Party was terminated as a probationary employee for getting into a fight. The referenced class-action grievance filed by the union was not a grievance, and the Union President represented the Charging Party. 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

10. Case 03-ULP-11-0624 Gazelle Smith v. State of Ohio, Department of Mental Retardation and Developmental Disabilities, Columbus Developmental Center

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (3) by singling out the Charging Party for filing an equal employment opportunity complaint. Information gathered during the investigation revealed there was no information provided to support the allegation. Additionally, filing an equal employment opportunity complaint is not protected activity under Ohio Revised Code 4117. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of jurisdiction. Board Member Verich seconded the motion. Chairman Drake called for any discussion and stated she agreed with the recommendation, and that the Board should continue through the investigation process to educate the general public on the other avenues of where to file complaints relating to these types of issues with the Equal Employment Opportunity Commission and to the Ohio Civil Rights Commission. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

State Employment Relations Board Minutes
February 26, 2004
Page 19 of 30

11. Case 03-ULP-11-0625 Gazelle Smith v. State of Ohio,
Department of Mental Retardation and
Developmental Disabilities, Columbus
Developmental Center

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (3) by failing to delay discipline pending the Charging Party's completion of an Employee Assistance Program (EAP). Information gathered during the investigation revealed no information was provided to support the allegations. Additionally, participating in EAP is not a protected activity under Ohio Revised Code Chapter 4117. 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

12. Case 03-ULP-11-0626 Gazelle Smith v. State of Ohio,
Department of Mental Retardation and
Developmental Disabilities, Columbus
Developmental Center

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (3) by denying the Charging Party's request to have union representation present during a meeting when she was given notice of her removal. Information gathered during the investigation revealed the meeting was not investigatory, and the Charging Party was not compelled to answer any questions. Thus, the Charging Party did not have a statutory right to representation at this non-investigatory meeting. Additionally, no information was provided to support an Ohio Revised Code § 4117.11(A)(3) violation occurred. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for any discussion, and stated that she agreed with the recommendation as she clarified by reading the statements that indeed it was not an investigatory meeting. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
 Affirmed X Denied

State Employment Relations Board Minutes
February 26, 2004
Page 20 of 30

13. Case 03-ULP-10-0519 Shadyside Education Association, OEA/NEA v. Shadyside Local 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 dealing directly with bargaining-unit employees over wage adjustments, implementing the adjustments to the employees' paychecks, and ignoring a cease-and-desist demand. Information gathered during the investigation revealed a contract dispute exists over longevity language, which is being pursued through the grievance-arbitration process. Additionally, a statutory issue exists over the Charged Party's actions on the payroll deductions, which an arbitrator may be able to resolve both issues. Board Member Verich moved that the Board sua sponte defer the matter for resolution through the grievance-arbitration procedure and retain jurisdiction in accordance with *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

14. Case 03-ULP-11-0618 Hudson City School District Board of Education v. Hudson Education Association and David Spohn

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(B)(5) and (8) by attempting to induce or encourage teaching staff to engage in an illegal partial strike through a concerted refusal to perform mandatory job duties of drafting letters of recommendation. Information gathered during the investigation revealed that whether the writing of letters is in the employee's job description and a mandatory job duty is a factual dispute with the parties. 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)(5) and (8) by inducing or encouraging the bargaining-unit members to engage in an illegal, partial strike through a concerted refusal to perform the mandatory job duty of drafting letters of recommendation, and by not filing a written notice of intent to strike with the public employer and with SERB at least ten days before engaging in strike activity related to a labor dispute, 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

State Employment Relations Board Minutes
February 26, 2004
Page 21 of 30

15. Case 03-ULP-10-0569 Brad Huntsman v. Ohio Education Association

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(1) and (5) by failing to fairly represent the Charging Party. Information gathered during the investigation revealed the Charged Party represented the Charging Party until it decided it was not going to appeal the Charging Party's case to the court of appeals. Filing with the court of appeals is not a basic and required step in the grievance process. Additionally, no evidence was provided to show the Charged Party's actions were arbitrary, discriminatory, or in bad faith. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
 Affirmed X Denied

16. Case 03-ULP-10-0558 Ohio Patrolmen's Benevolent Association v. City of Parma Heights

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by using nonbargaining-unit employees to perform bargaining-unit duties. Information gathered during the investigation revealed the duties are not exclusive to the full-time bargaining-unit members. Additionally, during an emergency, the Charged Party's management rights permit it to take the necessary steps to provide public safety. 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

State Employment Relations Board Minutes
February 26, 2004
Page 22 of 30

17. Case 03-ERC-10-0001 Juanita Brown v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO

The noncompliance complaint alleged the Employee Organization has violated Ohio Revised Code § 4117.19(C)(4) by improperly conducting a delegate election. Information gathered during the investigation revealed the Complainant did not utilize the administrative process within the union to resolve the issue. Board Member Verich moved that the Board dismiss the complaint with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion, and stated that she agrees with this recommendation based on the fact that the Employee Organization did take action on their own, and the Complainant did not follow the procedures after the Employee Organization had taken action. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

18. Case 03-ULP-10-0559 Ohio Patrolmen's Benevolent Association v. City of Parma Heights

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally assigning a bargaining-unit duty to a nonbargaining-unit employee. Information gathered during the investigation revealed the Safety Director driving an out-of-service cruiser during a funeral does not constitute performing bargaining-unit duties. Additionally, funeral service duties are not exclusive to the bargaining unit. 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

State Employment Relations Board Minutes
February 26, 2004
Page 23 of 30

19. Case 03-ULP-08-0398 Clyde-Green Springs Education Association, OEA/NEA, Dan Branstrator, Sandra Cleveland, and John Aiello v. Clyde-Green Springs Exempted Village School District Board of Education and Superintendent Todd Helms

On December 3, 2003, the Board dismissed the unfair labor practice charge for lack of probable cause to believe that an unfair labor practice charge has been committed by the Charged Parties. On December 30, 2003, the Charging Parties filed a motion for reconsideration of the Board's decision. A review of the original investigation reveals that the Charging Parties have failed to raise issues warranting reversal of the dismissal. Board Member Verich moved that the Board deny the motion for reconsideration with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion, and stated that she wanted to make it clear it is the Board's consensus in that the Board does not condone abusive behavior. In this case, the Charging Party was able to continue in the pursuit of the grievance and therefore, no violation of the law was found. Chairman Drake called for the vote.

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

20. Case 03-ULP-11-0612 Kristi Lunsford v. Greater Dayton Regional Transit Authority
21. Case 03-ULP-12-0635 Ohio Patrolmen's Benevolent Association v. City of Brunswick

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

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

22. Case 03-ULP-12-0640 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO v. Warren County Board of Mental Retardation and Developmental Disabilities
23. Case 03-ULP-12-0636 Twinsburg Support Staff Association, OEA/NEA v. Twinsburg City School District Board of Education

State Employment Relations Board Minutes
February 26, 2004
Page 24 of 30

24. Case 03-ULP-11-0602 MARCA Education Association v. Marion County Board of Mental Retardation and Developmental Disabilities

25. Case 03-ULP-12-0639 Ohio State Troopers Association, IUPA, AFL-CIO v. Ohio State Highway Patrol

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

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

26. Case 03-ULP-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 this case be lifted from the table. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

Board Member Verich moved that the Board construe the memorandum of understanding as a motion to withdraw, and grant the motion with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion, and Mediation Administrator Dale Zimmer stated that the parties have reached a settlement and agreed to dismiss all grievances and unfair labor practice charges relating to these parties. Chairman Drake stated that she was glad the parties have settled their strike as it has affected a lot of people and thanked Administrator Zimmer and his staff for their continued help and support towards the parties in trying to help settle this matter. Board Member Verich also agreed with Chairman Drake's comments and congratulated Administrator Zimmer for doing a fine job. General Counsel Russ Keith stated that an earlier mandamus case is also to be dismissed in this matter. Chairman Drake called for the vote.

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

State Employment Relations Board Minutes
February 26, 2004
Page 25 of 30

VI. ADMINISTRATIVE MATTERS

Executive Director Pat Snyder advised the Board that consistent with their earlier expressed concerns about the age of SERB's fleet, a Ford Taurus had been ordered from a Springfield MBE vendor for \$12,695 to meet a purchase deadline of February 23, 2004. Board Member Verich moved to ratify the purchase. 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>	

Executive Director Snyder also reported that Mediation Administrator Dale Zimmer's rental car had been rear-ended while he was on assignment in Cambridge, and the hit-skip driver had done about \$5,000 damage. Administrator Zimmer was not in the car when it was hit. The driver was later apprehended and charged, and the driver's insurance carrier is handling the damage claim.

Executive Director Snyder advised the Board that DAS Risk Management had recommended the purchase of general liability insurance to cover SERB's office furniture and computer equipment. The annual premium for the policy would be \$2,668 with a \$500 deductible, and \$2,581 with a \$1,000 deductible. She said that only agency-owned equipment would be covered by the policy. There was discussion of the need to cover laptop computer equipment, based on a past history of laptop theft. Vice Chairman Gillmor raised the question of which deductible would be best to address SERB's needs, and Executive Director Snyder recommended the \$500 in light of laptop concerns. Vice Chairman Gillmor moved to purchase the liability insurance. 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>	

Regarding office premises, Executive Director Snyder also advised that a representative of the Ohio Historical Society (OHS) had been on the premises to record some Civil War prints that had been on loan to the agency for a number of years but did not appear on the OHS roster. OHS advised that they are not originals and not of great monetary value.

State Employment Relations Board Minutes
February 26, 2004
Page 26 of 30

Executive Director Snyder next referenced quotes that Network Administration Supervisor Anderson Reed had obtained for computer equipment and software he recommended to update SERB's IT system. The hardware quotes, distributed to the Board members, were for two professional work stations, 19 desktop units, and three servers to replace units that are now 2-3 years beyond the DAS-recommended age. The low quote for the servers came from Computer Site Columbus (\$ 15,093.00) for all three); for desktops and professional work stations from Sophisticated Systems, Inc. (\$12,596.81 for all 19 desktops and \$1,293.80 for a professional work station). Both dealers sell the equipment from state term schedules. The software quote (\$6,607.96) was from Intellinetics, to provide an upgrade to the agency's Intellivue System that was designed by Intellinetics. The upgrade would allow electronic documents to be searched.

Executive Director Snyder said she understood that the desktop replacements had been authorized in the Spring of 2003 but could not be purchased then because of an OBM-imposed equipment freeze. Executive Director Snyder recommended that the Board act promptly to insure that the equipment could be purchased. In so doing, she acknowledged that there are statewide budget concerns that could result in a retroactive cut before the end of FY 04, but projections from the fiscal office showed that even with a 1% or 2% cut the agency would have sufficient savings in payroll dollars through the third quarter to purchase the equipment. Projected savings with a 1% cut was \$137,408 and with a 2% cut was \$87,507. The total of the recommended purchases was \$35,591.57. Executive Director Snyder said that the agency's conservative approach to filling vacancies of the Fiscal Officer, Executive Secretary and Mediator positions had created the fund to update equipment and recommended the purchase.

Vice Chairman Gillmor said she had no problem buying the equipment but wanted to be sure that hiring occurred before July 1 because the agency is running with too little staffing. She asked if the equipment purchase would prevent fourth-quarter hiring. Executive Director Snyder said that because future staffing has to be supported by FY 05 budget levels, not by this year's payroll savings, she did not believe the purchase would prevent hiring that was otherwise supported by the FY 05 budget.

Chairman Drake said she didn't see any budget relief in sight, and was pleased at least that SB 189 contains language that would give Board and Commission employees a one-time bonus in December 2004. Vice Chairman Gillmor commented that any bonus employees received would likely be eaten up by increased health insurance costs and that if SERB did not hire more staff it would be vulnerable in the next biennium budget process. Board Member Verich concurred in Vice Chairman Gillmor's comments about the need for more people on staff. Executive Director Snyder noted that during a tight budget it was especially important to assure that staff allocation was consistent with the agency's mission.

Chairman Drake asked Executive Director Snyder if SERB was in a situation where if it didn't take action on the equipment purchases, would it might miss its opportunity. Executive Director Snyder responded that yes that was the case.

State Employment Relations Board Minutes
February 26, 2004
Page 27 of 30

Board Member Verich moved that the Board authorize the purchase of the following equipment:

3 Servers from Computer Site Columbus: \$15,093
19 Desktop Units from Sophisticated Systems, Inc.: \$12,596.81
1 Professional Workstation: \$1,293.80
Software Upgrade from Intellinetics: \$6,607.96

Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
 Affirmed X Denied

Executive Director Snyder advised the Board that parties to the recent Southington Schools strike had asked Bureau Administrator Dale Zimmer to provide labor-management training to enhance their post-strike relationship. She also noted that the Central Ohio Chapter of the Industrial Relations Research Association (IRRA) had presented a workshop February 24 that Chairman Drake had assisted in planning, on health care costs. Administrator Zimmer participated on a panel at the workshop, which featured presentations by insurers and health care administrators, as well as, information on the County Employee Benefits Consortium of Ohio (CEBCO), a group health care initiative launched January 1 by the County Commissioners Association of Ohio (CCAO).

Executive Director Snyder noted that staff panel interviews were being scheduled for the Fiscal Officer 2 position, and that those would result in a referral of top candidates for the Chairman's ultimate selection as appointing authority. She invited feedback from the Board members on how they would like the final interview process to proceed since this is the first position being filled since the statutory change took effect naming the Chairman, rather than the full Board, as appointing authority. Chairman Drake asked the other board members if they would like to meet with top candidates before the selection, and they said they would because of the critical nature of the position. The Chairman agreed to proceed in that way, considering comments from each Board member in making her final selection.

In other matters, Executive Director Snyder advised the Board that:

- SERB had launched its Operation Feed campaign March 1-May 17, chaired by Barbara Kelly and Christina McNeal. The goal is to raise the equivalent of 3,043 meals.
- MBE and EDGE percentages for the October 1-December 31, 2003 period are 8.31 and 4.10, respectively, short of the 15% and 5% goals set by those programs.
- Vera Wehr, of the Research and Training Division, met with representatives of the Legislative Office of Education Oversight to assist in their study of minimum starting salaries for teachers with bachelor degrees in states economically similar to Ohio.

State Employment Relations Board Minutes
February 26, 2004
Page 28 of 30

- Employees of the Research and Training Division had met with representatives of Sophisticated Systems, Inc., to update the Clearinghouse database, under a service level agreement entered earlier this fiscal year.

General Counsel Russ Keith reported on the state of SERB's proposed rules. He stated that after completing a full review of all of the State Employment Relations Board's administrative rules, copies of the proposed amendments to these rules were sent to thirty-two representatives of employers or unions. None of the recipients raised any objections to the recommendations for the rules where "no change" was proposed. Listed below are the rules that were reviewed and recommended to be filed as "no change" rules:

<u>Rule No.</u>	<u>Rule No.</u>	<u>Rule No.</u>	<u>Rule No.</u>
4117-1-01	4117-1-03	4117-1-06	4117-1-11
4117-1-14	4117-1-16	4117-3-01	4117-3-02
4117-3-03	4117-5-02	4117-5-04	4117-5-06
4117-5-08	4117-5-09	4117-5-10	4117-5-11
4117-7-02	4117-7-04	4117-7-06	4117-7-07
4117-7-08	4117-9-07	4117-13-01	4117-13-02
4117-13-03	4117-13-04	4117-13-06	4117-15-01
4117-15-02	4117-17-01	4117-17-02	4117-17-04
4117-25-01			

Vice Chairman Gillmor moved that the Board authorize the filing of these 33 administrative rules with the Joint Committee on Agency Rule Review as a "no change" filing. 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
February 26, 2004
Page 30 of 30

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

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

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 GILLMOR Aye VERICH Aye
Affirmed X Denied



Carol Nolan Drake, Chairman