

STATE EMPLOYMENT RELATIONS BOARD

STATE OF OHIO

MINUTES

The State Employment Relations Board met on Thursday, March 11, 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 26, 2004 meeting. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

There were no Mediation matters for this Board Meeting.

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 04-REP-01-0012 Deerfield Professional Fire Fighters,
IAFF Local 4286 and Deerfield
Township, Warren County

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The request was supported by proper substantial evidence, and the Employer complied with the posting requirements set forth in Ohio Revised Code (O.R.C.) § 4117.05(A)(2)(a). No objections or petitions were filed as provided in O.R.C. § 4117.05(A)(2)(b)(i), (ii), (iii), or (iv). Board Member Verich moved that the Board certify the Employee Organization as the exclusive representative of all employees in the bargaining unit. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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2. Case 03-REP-09-0170 Green Township Professional Fire Fighters, IAFF Local 2927 and Green Township, Hamilton County

The Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The Employee Organization filed an amended Opt-In Request for Recognition seeking to add all full-time Captains to the existing unit. The request was supported by proper substantial evidence, and the Employer complied with the posting requirements set forth in Ohio Revised Code (O.R.C.) § 4117.05(A)(2)(a). The Employer had filed objections and a Petition for Representation. The case was mediated and directed to hearing. As a result of further mediation efforts, the Employer filed a motion to withdraw the petition and objections. Vice Chairman Gillmor moved that the Board grant the Employer's motion to withdraw the petition for representation election and objections, certify the Employee Organization as the exclusive representative of all employees, and add them to the existing bargaining unit. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

3. Case 04-REP-01-0003 Chauffeurs, Teamsters, Warehousemen and Helpers, Local Union No. 377 and Bazetta Township, Trumbull County

The Employee Organization filed a Petition for Representation Election seeking to represent certain employees of the Employer. The Employer responded by filing a position statement. The Employee Organization filed a Withdrawal of Petition. Board Member Verich moved that the Board construe the Employee Organization's withdrawal as a motion to withdraw, grant the 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 ___

4. Case 04-REP-01-0018 Professionals Guild of Ohio and Butler County Board of Mental Retardation and Developmental Disabilities

5. Case 04-REP-02-0025 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Zanesville City School District Board of Education

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6. Case 04-REP-02-0027

Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Perry County Department of Job and Family Services

In Case 04-REP-01-0018, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The Employee Organization and the Employer jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to reflect current contract language. In Case 04-REP-02-0025, the Employee Organization is the deemed-certified exclusive representative of certain employees of the Employer. The parties jointly filed a Petition for Amendment of Certification seeking amend the existing unit to include BusAides/Van Drivers. In Case 04-REP-02-0027, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The parties jointly filed a Petition for Amendment of Certification, seeking to amend the existing unit to reflect title changes and to remove abolished classifications. Vice Chairman Gillmor moved that the Board approve the jointly filed petitions and amend the units accordingly. 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>	

7. Case 03-REP-10-0217

Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Noble County Department of Job and Family Services

The Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The Employer filed a Petition for Amendment of Certification seeking to amend the existing bargaining unit to reflect changes in job titles. The Employee Organization responded by filing a position statement. The Employer has filed a Motion to Dismiss. Board Member Verich moved that the Board grant the Employer's Motion to Dismiss, and dismiss without prejudice the Petition for Amendment of Certification. 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>	

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8. Case 03-REP-08-0143 Ohio Patrolmen's Benevolent Association and Montgomery County Sheriff

The Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The Employee Organization and the Employer jointly filed a Petition for Amendment of Certification seeking to amend the certification to reflect the phasing out of the Court Service Deputy position. The Court Service Deputies will become Security Officers and placed into the civilian unit represented by the Employee Organization. The Board has already granted a jointly filed Petition for Amendment of Certification (Case No. 03-REP-08-0142) to include Security Officers in the civilian unit. The instant case was filed to advise the Board that all Court Service Deputies would be moved to the civilian unit by March 31, 2005. Vice Chairman Gillmor moved that the Board dismiss without prejudice the jointly filed Petition for Amendment of Certification as prematurely filed. 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-REP-08-0136 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Greater Dayton Regional Transit Authority

The Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The Employer filed a Petition for Amendment of Certification seeking to amend the existing unit to exclude Procurement Specialist. The Employee Organization filed a position statement opposing the amendment. Several conference calls have been conducted. The parties' dispute remains. Board Member Verich moved that the Board direct this case to hearing to determine an appropriate bargaining unit and for all other relevant issues, and direct the parties to mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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12. Case 03-REP-12-0245 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Loveland, April 5, 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 April 5, 2004. Vice Chairman Gillmor moved that the Board approve the Consent Election Agreement and direct an election to be conducted on April 5, 2004. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

13. Case 03-REP-09-0191 Genoa Township Professional Firefighters, IAFF Local 4307 and Genoa Township, Delaware County

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The request is supported by proper substantial evidence, and the Employer has complied with the posting requirements set forth in Ohio Revised Code (O.R.C.) § 4117.05(A)(2)(a). There have been no objections or petitions filed as provided in O.R.C. § 4117.05(A)(2)(b)(i), (ii), (iii), or (iv). Board Member Verich moved that the Board certify the Employee Organization as the exclusive representative of all employees in the bargaining unit. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 02-ULP-10-0677 SERB v. City of Cincinnati

The Respondent in this case has filed a motion to supplement the record on January 29, 2004. The Intervenor has also filed a motion to supplement the record on February 17, 2004. Collectively, the motions seek to include the parties' post-hearing briefs from the grievance-arbitration and the arbitrator's decision. The motions are unopposed. Vice Chairman Gillmor moved that the Board grant the motions to supplement the record. 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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2. Case 03-ULP-05-0250 Fraternal Order of Police, Ohio Labor Council, Inc. v. City of Port Clinton

On September 4, 2003, the Board found probable cause to believe that an unfair labor practice had occurred, authorized the issuance of a complaint, directed the matter to hearing, and directed the parties to unfair labor practice mediation. On October 28, 2003, the parties resolved the underlying issues at ULP mediation. On December 23, 2003, the parties entered into a letter of understanding regarding the City's driving guidelines; the letter was not filed with the Board. On March 3, 2004, the Charging Party filed a motion to dismiss the unfair labor practice charge. Board Member Verich moved that the Board grant the motion to dismiss, 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 ___

3. Cases 03-ULP-09-0461 SERB v. Ohio Civil Service Employees Association, AFSCME, Local 11, AFL-CIO, Gwen Albright, et al.
03-ULP-09-0471
03-ULP-09-0473

On December 18, 2003, the Board found probable cause to believe that an unfair labor practice had occurred in Cases 03-ULP-09-0457 through 03-ULP-09-0482, consolidated the cases, authorized the issuance of a complaint, directed the matter to hearing, and directed the parties to unfair labor practice mediation. On February 17, 2004, the Charging Party filed a letter indicating that it wished to withdraw the unfair labor practice charges against Terry Cox, Damien Melton, and Mark Phillips. The letter was served upon the representative for the Respondents. Vice Chairman Gillmor moved that the Board construe the letter as a motion to withdraw, grant the motion, dismiss the complaint as to Terry Cox, Damien Melton, and Mark Phillips, and dismiss with prejudice the unfair labor practice charges in Cases 03-ULP-09-0461, 03-ULP-09-0471, and 03-ULP-09-0473. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

4. Cases 03-ULP-03-0114 SERB v. City of Urbana
03-ULP-03-0115
5. Case 03-ULP-05-0284 SERB v. Franklin County Coroner's Office
6. Case 03-ULP-08-0424 SERB v. Marion County Board of Mental Retardation and Developmental Disabilities

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7. Case 03-ULP-07-0374 SERB v. Liberty Township Trustees,
Mahoning County

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

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 03-ULP-10-0566 Craig A. Turner v. City of Dayton and
Larry Collins

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1) and (3) by refusing to consider the Charging Party's reinjuries of an on-duty injury as on-duty injuries or to allow him to participate in work conditioning. Information gathered during the investigation revealed the Charged Parties had the right to question the Charging Party's claim of on-the-job injuries and the ability to continue as a fact finder. 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

2. Case 03-ULP-11-0573 Larry C. Butler v. Jefferson County
Engineer James Branagan

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (3), and (4) by threatening and retaliating against the Charging Party because he wrote a statement about his supervisor. Information gathered during the investigation revealed the statement by Mr. Bryan is vague, and no threat was conveyed. 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 regarding the alleged threat, and as untimely filed regarding all other aspects of the charge. 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-11-0634 Truck Drivers Union Local No. 40 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 unilaterally changing the manner in which employees' wages are calculated. Information gathered during the investigation revealed the Charged Party has unilaterally altered the manner in which pay is calculated. No information was provided to support that Ohio Revised Code § 4117.11(A)(3) had been violated. 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), but not (3), by unilaterally changing the manner in which employees' wages are calculated, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for any discussion, and mentioned that she agrees with the recommendation since the parties failed to submit documentation establishing the wage rate, and how difficult it would be for the Board to rule on this issue without this information. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

4. Case 03-ULP-11-0604 Barry Harper v. Ashtabula Area City School District Board of Education

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (2), and (3) by retaliating against the Charging Party for exercising guaranteed rights. Information gathered during the investigation revealed the evidence provided failed to support the Charging Party was interfered with, restrained, or coerced in his exercise of guaranteed rights. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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5. Case 03-ULP-11-0574 Colleen Francis v. Jefferson County Engineer James Branagan

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by failing to follow the grievance procedure. Information gathered during the investigation revealed the Charged Party did not process the grievance pursuant to the contract. 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 not processing a grievance against Andy Bryan in good faith, 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. Cases 03-ULP-11-0600 Alan Przybyla v. Kent State University and Dale Richards

03-ULP-11-0601 Alan Przybyla v. Ohio Council 8, American Federation of State, County and Municipal Employees, Local 153, AFL-CIO

In Case 03-ULP-11-0600, the unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(A)(3) by refusing to promote the Charging Party pursuant to past practice and the terms of the collective bargaining agreement. In Case 03-ULP-11-0601, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(6) by opposing the Charging Party's grievance, and failing to represent him in the grievance process. Information gathered during the investigation revealed the Charging Party failed to show that the Employer discriminated against him. Additionally, the Union withdrew the grievance because it lacked merit. Board Member Verich moved that the Board dismiss the charges with prejudice for lack of probable cause to believe that unfair labor practices have been committed by the Charged 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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7. Case 03-ULP-11-0605 Ledgemont Education Association,
OEA/NEA v. Ledgemont 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 unilaterally altering terms and conditions of employment. Information gathered during the investigation revealed a past practice was changed without bargaining. 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 abandoning a past practice of assigning classroom teachers to five classes and assigning some teachers at the high school to teach six classes, and changing some teachers' non-duty teaching assignments to tutoring assignments, 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

8. Case 03-ULP-11-0589 Doreé P. Harris 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), (3), (4), and (6) by failing to process grievances and discriminating against the Charging Party because she filed grievances. Information gathered during the investigation revealed the Charging Party was demoted for reasons other than exercising guaranteed rights. The Charging Party's grievances were processed, she failed to show up at the grievance-hearings, and the grievances were withdrawn by the union. 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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9. Case 03-ULP-11-0609 Crystal Davis v. Copley-Fairlawn City School District Board of Education

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (3) by retaliating against the Charging Party because she filed grievances. Information gathered during the investigation revealed the Charging Party failed to establish what harm she suffered on the new bus route. Additionally, the allegation regarding last year's bus route is untimely filed. Vice Chairman Gillmor moved that the Board dismiss the the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party, and as untimely filed regarding last year's bus route restriction. 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-11-0592 Hugh P. Gaughan v. National Conference of Firemen and Oilers Local 701, SEIU, AFL-CIO

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(6) by failing to fairly represent the Charging Party by failing to present information he believed helpful to his grievance. Information gathered during the investigation revealed the Charging Party failed to provide any evidence to demonstrate 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 __

11. Case 03-ULP-12-0651 Hugh P. Gaughan v. Cleveland 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 (5c) by interfering with the Charging Party's rights to have his grievance processed. Information gathered during the investigation revealed the Charging Party failed to properly and formally waive union representation for his grievance. 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 __

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12. Case 03-ULP-11-0627 Weaver Workshop and Support Association, OEA/NEA v. Summit County Board of Mental Retardation and Developmental Disabilities

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by assigning some work from retired bargaining-unit maintenance workers to bargaining-unit employees without added compensation, and assigning remaining work to nonbargaining-unit employees. Information gathered during the investigation reveals there is no evidence to support the workload has changed. 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 __

13. Case 03-ULP-11-0603 Pickaway-Ross Teachers Association, OEA/NEA v. Pickaway-Ross Joint Vocational 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 eliminating the School Nurse bargaining-unit position, and by unilaterally creating and filling a part-time Health Technician nonbargaining-unit position to perform the same duties as the School Nurse. Information gathered during the investigation reveals the charge is untimely filed. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice as untimely filed. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

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14. Case 03-ULP-10-0548 Cheryl Swain, et al. v. Copley-Fairlawn Support Staff Association, OEA/NEA and Kappy Chermak

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(B)(1), (3), and (6) by violating the Charging Parties' rights during the negotiation and contract-ratification process. Information gathered during the investigation reveals the Charged Parties did not follow the union's constitution and by-laws, their actions restrained or coerced the Charging Parties in the exercise of guaranteed rights, and the Charged Parties' actions were arbitrary by failing to take a basic and required step. No information was provided to support an Ohio Revised Code § 4117.11(B)(3) violation occurred. 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, and refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (6), but not (3), by violating the Charging Parties' rights during the negotiation and contract ratification process. Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion, and stated that there is a four-year contract that should be reviewed, and agrees that this case should be addressed in a hearing. Chairman Drake called for the vote.

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

15. Case 03-ULP-10-0552 Deeana Justice v. Ohio Association of Public School Employees, AFSCME Local 511, AFL-CIO

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(1) and (6) by failing to fairly represent the bargaining unit employees. Information gathered during the investigation reveals no employee was denied union representation. 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 __

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16. Case 03-ULP-11-0577 Samuel A. Meeks v. Shaker 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 (3) by denying the Charging Party a promotion in retaliation for engaging in protected activities. Information gathered during the investigation reveals the Charging Party was not promoted for reasons other than engaging in protected activities. 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

17. Case 03-ULP-11-0578 Samuel A. Meeks v. National Conference of Firemen and Oilers, Local 200, SEIU, AFL-CIO, CLC and Larry Wallace

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(B)(1) by denying the Charging Party his right to pursue his grievance to arbitration. Information gathered during the investigation reveals the grievance did not go to arbitration based on the merits of the case. Additionally, the evidence provided supports that the Charged Parties had fairly represented the Charging 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 Parties. 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-12-0649 International Brotherhood of Teamsters, Chauffeurs, and Warehousemen, Local No. 377, AFL-CIO v. Austintown Township Trustees, Mahoning County

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by engaging in regressive bargaining, and by failing to give its bargaining representative authority to negotiate. Information gathered during the investigation reveals the chief negotiator for the Charged Party did not have authority to present proposals, and may have bargained in bad faith. Board Member Verich

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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 an expedited hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by engaging in regressive bargaining and failing to give its bargaining representative authority to negotiate a tentative agreement, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

19. Case 03-ULP-10-0564 Columbiana Local Association of School Support v. Columbiana Exempted Village 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 altering the terms and conditions of employment of the bargaining-unit employees by posting two new 3-hour Special Education Classroom Aide positions and two new Individual Student Aide positions and eliminating a Title 1 Aide position. Information gathered during the investigation reveals the Charged Party had an obligation to negotiate the changes. 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 altering the terms and conditions of employment of the bargaining-unit employees by posting two new 3-hour Special Education Classroom Aide positions and two new Individual Student Aide positions, and eliminating a Title 1 Aide position, 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

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20. Case 03-ULP-10-0565 Columbiana Local Association of School Support v. Columbiana Exempted Village 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 reducing the hours of the Lunchroom/Playground Aide position. Information gathered during the investigation reveals the reduction of hours is a mandatory subject of bargaining. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, consolidate this case with Case No. 03-ULP-10-0564, 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 reducing the hours of the Lunchroom/Playground Aide position, 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 __

21. Case 03-ULP-10-0540 Joseph C. Vulpio, Jr. v. State of Ohio, Rehabilitation Services Commission

22. Case 03-ULP-11-0608 Hocking Technical College Education Association, OEA/NEA v. Hocking Technical College

23. Case 03-ULP-12-0668 Leroy Peterson v. Municipal Foremen and Laborers Union, Local 1099, AFL-CIO

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 __

24. Case 03-ULP-11-0596 Fraternal Order of Police, Ohio Labor Council, Inc. v. Tuscarawas County Sheriff and Sheriff Walter Wilson

The Charging Party has filed a motion to dismiss the charge without prejudice. Board Member Verich moved that the Board grant the motion to dismiss without prejudice. 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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25. Case 03-ULP-09-0437 Larry B. Mayfield v. State of Ohio,
Department of Commerce
26. Case 03-ULP-10-0509 Arthur Jones v. Greater Cleveland
Regional Transit Authority and Thomas
Swink

Vice Chairman Gillmor moved that the Board construe the requests for reconsideration as motions for reconsideration, and deny the motions for reconsideration with prejudice. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

27. Case 04-ULP-02-0071 Ohio Association of Public School
Employees, AFSCME Local 673, AFL-
CIO v. Southington Local School District
Board of Education
28. Cases 04-ULP-02-0076 State of Ohio, Department of Youth
Services v. Ohio Civil Service
Employees Association, AFSCME
Local 11, AFL-CIO
- 04-ULP-02-0077 State of Ohio, Department of Youth
Services v. Ohio Civil Service
Employees Association, AFSCME
Local 11, AFL-CIO, Chapter 1830
29. Case 04-ULP-01-0032 Streetsboro Part-Time Firefighters
Organization v. City of Streetsboro
30. Case 03-ULP-11-0623 Ohio Patrolmen's Benevolent
Association v. City of Parma

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 __

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VII. ADMINISTRATIVE MATTERS

Executive Director Pat Snyder discussed the Governor's 4% budget cut that has been attached to SERB's budget for the FY 2004, along with an additional 6% cut to be in FY 2005. These cuts bring the agency's budget to an all-time low of \$3,137,000 in FY 2004 and \$3,072,000 in FY 2005. On March 17, 2004, the Office of Budget Management (OBM) will be meeting with all State Department Fiscal Officers, and she and Fiscal Specialist Danetta Babbs will be attending this meeting for further guidance.

Executive Director Snyder said that purchase orders had already been signed and funds encumbered for the purchase of three servers from Computer Site Columbus and nineteen desktop units from Sophisticated Systems, Inc., and it appeared that those purchases could go forward in spite of the budget cut. She reviewed in priority order some additional software purchases recommended by IT: Intellinetics software to search electronic documents, already approved by the Board with funds encumbered; support packs for the three new servers, totaling \$2,500; upgrades to the Windows 2003 Operating System; and finally upgrades to Microsoft Office 2003. She indicated that the new servers can accommodate our Windows 2003 operating system, so there is not an immediate need for the upgrade.

Executive Director Snyder and Chairman Drake updated the Board on the Rhodes Tower vacancy. A representative from the Department of Administrative Services contacted SERB about the possibilities of moving over to the Rhodes Tower in the vacant area where the Supreme Court was located. The State would cover such things as new furnishings if needed, rent, cabling and telephone lines. It would not however, cover the moving expenses. That would have to come out of our budget. Chairman Drake does not recommend at this time that SERB move our offices to the Rhodes Tower based on our budget and the cuts announced by the Office of Budget Management.

Chairman Drake mentioned that former Board Member Jane Latane visited our offices and had a nice time seeing how SERB has evolved since she was here and seeing former colleagues at SERB.

Executive Director Snyder discussed SERB's 20th Anniversary that is coming up on April 1, 2004 and plans for our internal celebration are underway. It will be a potluck, full of fun surprises. Vice Chairman Gillmor noted that some employees have been here a long time and asked if something was going to be done during the celebration to acknowledge them and if a list was available of how long the employees have been at SERB. The Executive Director Snyder said that was a good suggestion and she would pass it on to the committee planning the event. She also mentioned that the Ohio State Bar Association was planning a continuing legal education program on collective bargaining this fall and tying it to SERB's 20th anniversary year. She said the idea had been raised that SERB might be involved in that event. Chairman Drake is exploring whether it would be feasible to coordinate with OSBA in presenting a public forum on the evolution and status of Ohio's collective bargaining law, as SERB had planned for its own external anniversary celebration in the fall.

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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

VII. ADJOURNMENT

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

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied



Carol Nolan Drake, Chairman

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PREVIOUS TABLED MATTERS

1. Cases 03-ULP-06-0347 SERB v. Summit County
 03-ULP-07-0357 Children Services