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I. REPRESENTATION MATTERS AT ISSUE:

1. Case 04-REP-03-0051 Ohio Patrolmen's Benevolent Association and Perrysburg Township, Wood County

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The substantial evidence is sufficient, and no objections have been filed. Vice Chairman Gillmor moved that the Board certify the Employee Organization as the exclusive representative of all employees in the bargaining unit. 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-REP-11-0233 Ohio Patrolmen's Benevolent Association and Olmsted Township, Cuyahoga County

3. Case 04-REP-04-0077 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Westlake

In Cases 03-REP-11-0233 and 04-REP-04-0077, the Employee Organizations filed Requests for Recognition seeking to represent certain employees of the Employers. In Case 03-REP-11-0233, the Employer responded by filing objections. In Case 04-REP-04-0077, the Ohio Patrolmen's Benevolent Association filed a position statement opposing the request. The Employee Organizations have filed motions to withdraw. Board Member Verich moved that the Board 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 ___

4. Case 04-REP-02-0030 Ohio Patrolmen's Benevolent Association and Olmsted Township, Cuyahoga County, June 22, 2004

5. Case 04-REP-03-0044 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Gallia County Board of Mental Retardation and Developmental Disabilities, June 22, 2004

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6. Case 04-REP-03-0063 District 1199 WV/KY/OH, The Healthcare and Social Service Workers Union, SEIU, AFL-CIO, CLC and Avon Lake Public Library, June 22, 2004

The Employee Organizations filed Petitions for Representation Election in Cases 04-REP-02-0030 and 04-REP-03-0044, and a Request for Recognition in Case 04-REP-03-0044, seeking to represent certain employees of the Employers. The Employer, in Case 04-REP-03-0044, responded by filing objections and a Petition for Representation Election. The parties have entered into Consent Election Agreements seeking elections to be conducted on the dates as indicated. Vice Chairman Gillmor moved that the Board approve the Consent Election Agreements and direct elections to be conducted on the dates as indicated. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

7. Case 04-REP-02-0026 Chauffeurs, Teamsters, Warehousemen and Helpers, Local Union No. 377 and Bazetta Township Road Department Employees Association and Bazetta Township, Trumbull County

On February 19, 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 current collective bargaining agreement expires on April 30, 2004. The petition was filed outside the window period. Board Member Verich moved that the Board dismiss without prejudice the Petition for Representation Election pursuant to O.R.C. § 4117.07(C)(6). 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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8. Case 04-REP-05-0083 Laborers' International Union of North America, Lorain County Local #758, AFL-CIO and Township of Sheffield, Lorain County

The Employee Organization filed a Petition for Representation Election seeking to represent certain employees of the Employer. According to the current federal census, the population in the unincorporated portion of the Township of Sheffield, Lorain County is less than 5,000. The Board lacks jurisdiction to entertain the request pursuant to O.R.C. § 4117.01(B). Vice Chairman Gillmor moved that the Board dismiss the Petition for Representation Election pursuant to O.R.C. § 4117.01(B). 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-11-0219 Fraternal Order of Police, Ohio Labor Council, Inc., and City of Chardon

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Employer responded by filing objections. Several conference calls were conducted. The parties could not reach an agreement concerning an appropriate bargaining unit. Board Member Verich moved that the Board direct the matter 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 ___

10. Case 03-REP-10-0214 Communications Workers of America, Local 4340 and Geauga County Commissioners

11. Case 04-REP-03-0049 Teamsters Local Union #436 and Portage County Sanitary Engineer

12. Case 04-REP-04-0066 Professionals Guild of Ohio and Cuyahoga Falls Library

13. Case 04-REP-04-0078 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and City of Bay Village

14. Case 04-REP-04-0079 Service Employees International Union, District 1199 and Greene County Public Library

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| 15. | Case | 04-REP-05-0087 | <u>Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Mansfield-Ontario-Richland County Board of Health</u> |
| 16. | Case | 04-REP-04-0064 | <u>Teamsters Local 436 and City of Hudson</u> |
| 17. | Case | 03-REP-10-0215 | <u>Truck Drivers, Chauffeurs and Helpers, Public Employees, Construction Division, Airlines-Greater Cincinnati/Northern Kentucky Airport and Miscellaneous Jurisdiction, Greater Cincinnati, Ohio Local Union 100 and Miami Township Board of Trustees, Clermont County</u> |

In Case 03-REP-10-0214, 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 certification to correct the Employer's name. The Employee Organization filed a letter stating it does not oppose the amendment.

In Case 04-REP-03-0049, 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 Customer Service Specialist and to exclude Project Engineer.

In Case 04-REP-04-0066, 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 certification to change the Employer's name from Taylor Memorial Public Library to Cuyahoga Falls Library.

In Case 04-REP-04-0078, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The parties have jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to reflect title changes and to include Leadman, Mechanic, and Leadman Mechanic.

In Case 04-REP-04-0079, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The parties have jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to reflect reorganization, abolished positions, and title changes.

In Case 04-REP-05-0087, 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 certification to change the Employer's name from Mansfield-Richland County Health Department to Mansfield-Ontario-Richland County Board of Health, and to reflect newly created positions, abolished position, and title changes.

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In Case 04-REP-04-0064, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The Employee Organization filed a Petition for Clarification of Bargaining Unit seeking to clarify the existing unit to include part-time Maintenance Technician. The Employer filed a position statement stating that it did not oppose the clarification.

In Case 03-REP-10-0215, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The Employee Organization filed a Petition for Amendment of Certification seeking to amend the existing unit to reflect the Employee Organization's name change and current contract language. The Employer filed a letter stating that it did not oppose the amendment.

Vice Chairman Gillmor moved that the Board approve the petitions and jointly filed petitions, and amend the units and certifications accordingly. 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-REP-10-0198 Ohio Patrolmen's Benevolent Association and Southeastern Ohio Regional Jail

The Employee Organization filed an amended Request for Recognition seeking to represent certain employees of the Employer. The Employer responded by filing objections. Several conference calls were conducted. The parties could not reach an agreement concerning an appropriate bargaining unit. Board Member Verich moved that the Board direct the matter 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

19. Case 03-REP-11-0224 Teamsters Local Union No. 413 and Southwest Licking School District

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 opposing the proposed bargaining unit. Several conference calls were conducted. The parties could not reach an agreement concerning an appropriate bargaining unit. Vice Chairman Gillmor moved that the Board direct the matter to hearing to determine an appropriate bargaining unit and for all other relevant issues, and direct the parties to mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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20. Case 03-REP-11-0225 American Association of University Professors, Cincinnati State Technical and Community College Chapter and Cincinnati State Technical and Community College

The Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The Employee Organization filed a Petition for Clarification of Bargaining Unit seeking to clarify the existing unit to include Advisor/Counselor, Humanities Division. The Employer filed a position statement opposing the clarification. The Employee Organization responded maintaining the Advisor/Counselor should properly be included in the existing AAUP-1 bargaining unit. A conference call was conducted. The parties' dispute remains. Board Member Verich moved that the Board direct the matter to hearing to determine bargaining-unit status of the employees in question, and direct the parties to mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

21. Case 03-REP-11-0229 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and City of Lakewood

On February 26, 2004, the Board certified the Employee Organization as the exclusive representative of certain employees of the Employer. On April 7, 2004, the employees filed a timely motion for reconsideration requesting the Board reconsider certification of the Employee Organization, which was supported by signatures from the sixty-one employees indicating they do not wish to be represented by the Employee Organization. On April 13, 2004, the Employee Organization filed a response. The evidence in support of the motion is limited to the 21-day objection deadline pursuant to Ohio Administrative Code Rule 4117-3-02(B)(2). That deadline had expired. Vice Chairman Gillmor moved that the Board deny the employees' motion for reconsideration because the objections to the Request for Recognition are untimely pursuant to O.A.C. Rule 4117-3-02(B)(2). Board Member Verich seconded the motion. Chairman Drake called for any discussion, and stated that she wanted to clarify that the objections are untimely in this case, not the motion for reconsideration itself. Chairman Drake called for the vote.

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

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22. Case 03-REP-09-0167 Union Township Fire Department,
Clermont County Part-timers Local and
Union Township Fire Department,
Clermont County

On April 1, 2004, the Board dismissed the Request for Recognition pursuant to Ohio Revised Code § 4117.01(C)(13). On April 15, 2004, the Employee Organization filed a Notice of Appeal. The Employee Organization maintains the employees in question were hired as part-time paramedics with a requirement to work 12-24 hours per week. The Employee Organization further stated the employees in question have not worked because of required training, and that an EEOC claim is pending. The Employer's original objections contained average hours for the employees in question for the 52-week period preceding the filing of the Request for Recognition. The employees in question are not public employees. Board Member Verich moved that the Board construe the Employee Organization's Notice of Appeal as a motion for reconsideration, and deny the motion. 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>	

23. Case 03-REP-09-0188 Fraternal Order of Police, Ohio Labor
Council, Inc. and Ohio Patrolmen's
Benevolent Association and City of
Middleburg Heights

The Rival Employee Organization filed a Petition for Representation Election seeking to displace the Incumbent Employee Organization, which is the deemed-certified exclusive representative of certain employees of the Employer. The Rival Employee Organization is seeking to represent all full-time Patrolmen. The Incumbent Employee Organization filed objections maintaining the deemed-certified unit is a unit of all full-time employees occupying the positions of Patrolmen and Sergeants. The Rival Employee Organization responded asserting the Incumbent Employee Organization and the Employer have voluntarily recognized a unit of Patrolmen and a unit of Sergeants as evidenced by two separate and distinct contracts. A conference call was conducted and the parties could not reach an agreement concerning an appropriate bargaining unit. Vice Chairman Gillmor moved that the Board direct the matter to hearing to determine an appropriate bargaining unit and for all other relevant issues. 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>	

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24. Case 03-REP-09-0171 Mahoning Education Association of Developmental Disabilities and Mahoning County Board of Mental Retardation and Developmental Disabilities

The Employee Organization filed a Petition for Clarification of Bargaining Unit seeking to include Service and Support Administrators in the existing bargaining unit. The Employee Organization maintains the Case Manager and Service Coordinator are included in the existing unit, and that the duties that were performed by these classifications are now performed by Service and Support Administrators. The Employer responded by filing position statements opposing the clarification. Several conference calls have been conducted. The Employer maintains House Bill 94 prohibits the inclusion of Service and Support Administrators. The Employee Organization maintains the employees in question are performing bargaining-unit work. Board Member Verich moved that the Board direct the matter to hearing to determine bargaining-unit status of the employees in question 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 ___

25. Case 04-REP-03-0042 International Brotherhood of Teamsters, Local 436 and City of Solon

- There was 4 ballots cast
- There were 0 challenged ballots
- No Representative received 0 votes
- International Brotherhood of Teamsters, Local 436 received 4 votes and has prevailed in this election.

26. Case 03-REP-08-0144 Teamsters Local No. 348 and Portage Area Regional Transportation Authority

- There were 62 ballots cast
- There were 0 challenged ballots
- Teamsters Local No. 348 received 27 votes
- No Representative received 35 votes and has prevailed in this election.

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IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 03-ULP-05-0289 SERB v. Lakota Local School District Board of Education

On October 16, 2003, the Board found probable cause to believe that the Respondent had committed an unfair labor practice, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to unfair labor practice mediation. On January 20, 2004, a hearing was held. On April 7, 2004, an Administrative Law Judge's Proposed Order was issued, recommending that the Board find that the Respondent had not violated Ohio Revised Code §§ 4117.11(A)(1) and (3) when it terminated Mr. Short's light-duty assignment, that the Board dismiss the complaint, and that the Board dismiss with prejudice the unfair labor practice charge. No exceptions were filed to the Proposed Order. Ohio Revised Code § 4117.12(B)(2) provides that if no exceptions are filed to a proposed order, then the proposed order becomes the order of the Board. Board Member Verich moved that the Administrative Law Judge's Proposed Order become the order of the Board, pursuant to Ohio Revised Code § 4117.12(B)(2), since no exceptions were filed by any party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

2. Case 03-ULP-11-0576 MARCA Education Association, OEA/NEA v. Marion County Board of Mental Retardation and Developmental Disabilities
3. Cases 03-ULP-11-0584
03-ULP-11-0593 Fraternal Order of Police, Ohio Labor Council, Inc. v. Clinton County Sheriff
4. Cases 00-ULP-12-0741
00-ULP-12-0742 SERB v. Pierce Township, Clermont Clermont County
5. Case 03-ULP-07-0371 SERB v. Scioto County Board of Mental Retardation and Developmental Disabilities

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2. Case 04-ULP-02-0100 Gloria "Crabbe" Wilson v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 7660
3. Case 04-ULP-04-0204 Kelvin J. Tate v. City of Shaker Heights – Public Works

The unfair labor practice charges alleged the Charged Parties have violated Ohio Revised Code § 4117.11. Information gathered during the investigation revealed the Charging Parties have failed to provide a clear and concise statement of facts constituting the alleged violations of the statute. Vice Chairman Gillmor moved that the Board dismiss the charges without prejudice due to Charging Parties' failure to provide a clear and concise statement of the facts constituting the alleged violations. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

4. Case 04-ULP-02-0065 Michael Newton v. Norwood 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 (4) by failing to award the Charging Party a job in retaliation for his exercise of guaranteed rights. Information gathered during the investigation revealed the Charging Party was not selected for the position for reasons other than exercising 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 04-ULP-02-0115 Cincinnati Federation of Teachers, Local 1520, AFT-OFT v. Cincinnati City School District Board of Education, Deb Heater, Michael Gaines, and Roberta Thomas

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1), (2), and (3) by transferring an employee in retaliation for his exercise of guaranteed rights. Information gathered during the investigation revealed the Charging Party knew of the transfer on October 29, 2003, which was well beyond the 90 days for filing a charge. 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

6. Cases 04-ULP-01-0037 Owens Faculty Association, AFT-OFT v. Owens Community College
04-ULP-01-0040 Owens Faculty Association, AFT-OFT v. Owens Community College, Board of Trustees

The unfair labor practice charges allege the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by bargaining in bad faith. Information gathered during the investigation revealed once the exclusive representative is certified, the bargaining-unit employees' rates of pay need to be negotiated by the employer. Nonbargaining-unit employees do not have to have their pay negotiated. No information was provided to support the Ohio Revised Code § 4117.11(A)(3) allegation. 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. Cases 04-ULP-01-0038 Owens Faculty Association, AFT-OFT v. Owens Community College
- 04-ULP-01-0041 Owens Faculty Association, AFT-OFT v. Owens Community College, Board of Trustees

The unfair labor practice charges allege the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by changing health care benefits. Information gathered during the investigation revealed that following the State Employment Relations Board's certification, the employer needed to negotiate with the Charging Party. The employer did not have to provide the same benefits to the represented bargaining unit that nonbargaining-unit employees received. No information was provided to support the Ohio Revised Code § 4117.11(A)(3) allegation. Vice Chairman Gillmor moved that the Board dismiss the charges with prejudice for lack of probable cause to believe that unfair labor practices have been committed by the Charged Parties. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

8. Case 04-ULP-01-0039 Owens Faculty Association, AFT-OFT v. Owens Community College, et al.

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by unilaterally changing the terms and conditions of employment. Information gathered during the investigation revealed the Charged Parties changed evaluations from yearly to weekly without bargaining. No information was provided to support the Ohio Revised Code § 4117.11(A)(3) allegation. 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 Parties violated Ohio Revised Code § 4117.11(A)(1) and (5), but not (A)(3), by subjecting employees to weekly job performance evaluations and classroom observations, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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9. Case 04-ULP-04-0214 Service Employees International Union,
District 1199 v. Cleveland Public Library

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (2), and (5) by dealing directly with bargaining-unit employees by publishing contract proposals in a newsletter that were open issues at the bargaining table. Information gathered during the investigation revealed the Charged Party did publish its proposals in the newsletter to clarify what it believed was misleading information from the Charging Party to its members. 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, and refer the matter to an expedited hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), and (5) by interfering with the administration of the Charging Party, and dealing directly with bargaining-unit members by publishing contract proposals in the Staff Newsletter. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

10. Case 04-ULP-02-0067 Elyria School Support Staff, OEA/NEA v.
Elyria 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 failing to bargain with the Charging Party over the reorganization of the Treasurer's office. Information gathered during the investigation revealed the Charged Party refused to bargain the changes and did not respond to SERB's information request. Chairman Drake recused from this matter. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally reorganizing the Treasurer's office, which resulted in bargaining-unit employees being placed in nonbargaining-unit positions and bargaining-unit duties being assigned to nonbargaining-unit employees, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion and called for the vote.

Vote: DRAKE Recused GILLMOR Aye VERICH Aye
Affirmed X Denied

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11. Cases 04-ULP-04-0207 Jose D. Moran v. Mahoning County Auditor
- 04-ULP-04-0208 Jose D. Moran v. Ohio Council 8, American Federation of State, County and Municipal Employees, Local 2533, AFL-CIO

The unfair labor practice charges alleged the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1) by terminating the Charging Party's sick leave status and denying him the right to bump in October 2003. Information gathered during the investigation revealed the charges are untimely filed. Vice Chairman Gillmor moved that the Board dismiss the charges 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 __

12. Case 04-ULP-03-0150 Robert A. Howard v. International Union of Police Associations, AFL-CIO

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(1) by informing the Charging Party it would not represent him because of the cost. Information gathered during the investigation revealed the Charged Party is not the certified bargaining representative, and does not have a duty to represent 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 __

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13. Case 04-ULP-01-0001 Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO v. State of Ohio, Department of Rehabilitation and Correction, Ross Correctional Institution

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (5), (6), and (8) by continually violating Articles 7 and 39 of the parties' agreement. Information gathered during the investigation did not support the allegations regarding the lieutenants' positions, and the use of temporary workers to perform bargaining-unit duties is a contractual issue. The information failed to show an Ohio Revised Code § 4117.11(A)(6) or (8) 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 the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

14. Case 04-ULP-02-0069 Municipal Construction Equipment Operators' Labor Council v. City of Cleveland

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by bargaining in bad faith. Information gathered during the investigation reveals the Charged Party's request for the Charging Party to ratify the contract on a promise it will implement benefits is not bargaining in good faith. A credibility issue exists over the Craft Jurisdiction Article and should be addressed at hearing. No information to support an Ohio Revised Code § 4117.11(A)(3) violation was provided. 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 (A)(3), by failing to present the parties' tentative agreement to its legislative body, direct the parties to ULP mediation, and dismiss all other aspects of the charge. Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion, and Executive Director Snyder stated the recommendation is also consistent with Ohio Revised Code Chapter 4117. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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15. Case 04-ULP-01-0093 Patricia Schulte-Singleton v. State of Ohio, Department of Taxation

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (3) by discriminating against the Charging Party by choosing other applicants to fill vacancies. Information gathered during the investigation reveals the Charging Party was not considered for the vacancies for reasons other than engaging in protected activities. 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 __

16. Case 04-ULP-03-0145 Patricia Schulte-Singleton, et al. v. State of Ohio, Department of Taxation

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (3), and (8) by setting work hours for Tax Commissioner Agent 1 vacancies. Information gathered during the investigation reveals none of the Charging Parties are affected by the change in hours, the matter is strictly contractual, and it does not rise to the level of a statutory violation. No information was provided to support the Charged Party's actions were for retaliation. 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 04-ULP-02-0079 Cleveland Public Library v. Service Employees International Union, District 1199

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(1) and (3) by failing to bargain in good faith. Information gathered during the investigation reveals the flier demonstrates bad-faith bargaining through the grievance process. Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, coordinate with Case No. 04-ULP-04-0214, authorize the issuance of a complaint, and refer the matter to an expedited hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (3) by failing to bargain in good faith when it disseminated a flier with respect to settled grievances filed 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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18. Case 04-ULP-05-0259 Sylvester Gaston v. ATC Vancom, Inc.

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (3) by terminating the Charging Party because his supervisor was able to drive off in his unattended bus. Information gathered during the investigation reveals the Charged Party is a private company, and the charge is not within the jurisdiction of the Board. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of jurisdiction. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

19. Case 04-ULP-01-0024 Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 7010 v. State of Ohio, Department of Rehabilitation and Correction, Mansfield Correctional Institution and John Bond

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by unilaterally changing the past practice of passing out paychecks to second and third shifts on the Thursday before the Friday payday. Information gathered during the investigation reveals the change in payroll practice is a mandatory subject of bargaining. The Charged Party implemented the new practice without bargaining. No information was provided to support an Ohio Revised Code § 4117.11(A)(3) violation. Vice Chairman Gillmor 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). Board Member Verich seconded the motion. Chairman Drake called for any discussion and stated this case is a good case to defer as it relates to wages for employees. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

20. Case 04-ULP-03-0163 Ohio Patrolmen's Benevolent Association v. Portage County Sheriff

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by failing to implement portions of a deemed-accepted fact-finding report, and to execute a draft of the collective bargaining agreement. Board Member Verich moved that the Board table this case for further review and consideration. 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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21. Case 04-ULP-03-0121 Susan Purtee v. Jo Anne Cunningham

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(1), (2), (3), and (6) by failing to fairly represent the Charging Party, coercing her into dropping a grievance, attempting to get her disciplined, and speaking disparagingly about her. Information gathered during the investigation reveals the Charging Party has not been involved with any grievance since July 2002. The Union's actions are not arbitrary, discriminatory, or in bad faith. The Charging Party failed to show an Ohio Revised Code § 4117.11(B)(2) or (3) violation occurred. Knowledge of the alleged violations prior to December 3, 2003, occurred more than 90 days before the charge was filed with 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 Party, and as untimely filed for all of the alleged violations occurring prior to December 3, 2003. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

22. Case 04-ULP-04-0225 Crooksville Education Association, Local 4988 v. Troy Adams

23. Case 04-ULP-02-0096 United Steelworkers of America, Local 6621 v. City of Lorain

24. Case 04-ULP-02-0102 Avon Teachers Association, OEA/NEA v. Avon Local School District Board of Education

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 any discussion and mentioned that it was interesting that the Charged Parties in each case had responded to information requests, but the Charging Parties had failed to do so. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

25. Case 03-ULP-10-0560 Amalgamated Transit Union, Local No. 627 v. Southwest Ohio Regional Transit Authority (SORTA)

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

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

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28. Cases 04-ULP-01-0021 Linda F. Hagans v. State of Ohio, Department of Rehabilitation and Correction, Montgomery Education and Pre-Release Center and Warden Curtis Wingard
- 04-ULP-01-0022 Linda F. Hagans v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 5730, Robert Jones, et al.
29. Cases 03-ULP-11-0579 David R. Potopsky v. Dalton Local Education Association, OEA/NEA
- 03-ULP-11-0580 David R. Potopsky v. Dalton Local Education Association, OEA/NEA and Tim Miller
- 03-ULP-11-0581 David R. Potopsky v. Ohio Education Association
30. Case 03-ERC-10-0001 Juanita Brown v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO

Board Member Verich moved that the Board construe the letters as motions for reconsideration, deny the motions for reconsideration with prejudice, and deny the motion with prejudice in Case 03-ERC-10-0001 as untimely filed. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

31. Case 04-ULP-04-0210 Cleveland Heights Fire Fighters Association, Local 402, IAFF v. City of Cleveland Heights
32. Case 04-ULP-03-0168 Ohio Patrolmen's Benevolent Association v. Russell Township, Geauga County
33. Case 04-ULP-04-0202 Lima Education Association, OEA/NEA v. Lima City School District Board of Education

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34. Case 04-ULP-01-0048 Huron Education Association, OEA/NEA, Karen McMillion, and Ann Creamer v. Huron City School District Board of Education

Vice Chairman Gillmor moved that the Board construe the settlement as a motion to withdraw, and grant all motions with prejudice in the above-cited cases. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

VI. ADMINISTRATIVE MATTERS

Executive Director Pat Snyder, along with Bill Sommer, a representative from Sophisticated Systems, Inc., reviewed the contractor's work on SERB's system over the previous month and his written recommendations for software and hardware upgrades as a result of analyzing and stabilizing the system. The review indicated that in addition to installation time for new equipment, up to 55 hours of support services may be required to complete the stabilization and respond to user issues created by various upgrades.

In response to these recommendations, Vice Chairman Gillmor moved that the Board 1) authorize the addition of up to 55 hours in support services from Sophisticated Systems, Inc., at the rate of \$50 per hour, for a total of up to \$2,750 to complete delivery of services described in the Scope of Work Agreement entered on May 4, 2004; 2) authorize the purchase of a two-year extension/renewal to the warranty covering SERB's snap server, in an amount not to exceed \$349.00; 3) to purchase the following network system upgrades and improvements in a total amount not to exceed \$11,000.00, with the understanding that purchases will be made from the lowest and best of three quotes:

- 1 Microsoft Exchange 2003 Upgrade
- 35 Microsoft Exchange 2003 Upgrade Client Access Licenses (CALs)
- 20 Microsoft Windows 2003 Server Client Access Licenses (CALs)
- 2 HP – Hard Drive – 36.4 GB – hot swap – 3.5” – Ultra320SCSI – 15000 rpm
- 1 Cisco Catalyst 2970 Gigabit Switch – Standard IOS Image
- 1 Microsoft SQL Server 2000 Upgrade
- 25 Microsoft SQL Server 2000 Upgrade Client Access Licenses
- 1 Symantec Firewall

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And finally, 4) to authorize Sophisticated Systems, Inc., to perform an additional 102 hours of work at \$50 per hour, for a total of \$5,100.00 to complete installation of the recommended upgrades and improvements during FY 2004. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

The Board also discussed a proposal from contractor Patricia Opong of Expert Micro Systems, Inc, to perform additional work totaling \$3,500 on a system she had previously designed to streamline the preparation of the Board minutes and agendas. The work was to be completed before the end of the fiscal year and paid out of FY 2004 funds. Mr. Sommer advised the Board that he had met with Ms. Opong and reviewed the system, which was essentially sound but required testing, possible modifications and user training before it could become operative. Ms. Snyder indicated that the proposal required modification based upon Mr. Sommer's review. It was also noted at the meeting that the Representation Section had in place an Excel spread sheet system that might provide the same core functionality as the Opong system, but that this system had not been reviewed for that purpose. Ms. Snyder sought authorization to enter a contract with Expert Micro Systems if justified by further technical review.

Board Member Verich moved to authorize entering a contract with Expert Micro Systems, Inc., in an amount not to exceed \$3,500, payable from FY 2004 funds, to perform work described in its proposal dated June 9, 2004, as modified through discussions with the IT support technician, to adjust, test, and train users in the Board minutes and agenda database system. 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 reported on progress in entering support level agreements authorized at the May 20 meeting. She said that because the lowest quote for printer maintenance had drawn an unfavorable reference, a contract would be entered with the second lowest bidder, Computer Site Columbus, which currently maintains our printers. She said that only Sophisticated Systems, Inc. had responded to a request for quotes to maintain the Clearinghouse and has lowered its previous hourly rate so that a contract would be entered with that vendor.

Executive Director Snyder discussed the mediation information given to the Board regarding the possible Joint Health Care Committee Initiative that was mentioned at the last Board meeting. Due to the nature of the discussion, Vice Chairman Gillmor moved that the Board go into executive session, pursuant to Ohio Revised Code Section 121.22(G)(1) and (3), to discuss the employment of public employees. Board Member Verich seconded the motion. Chairman Drake called for the roll-call vote.

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

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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 __

Further discussion took place with the Board, Bureau of Mediations' Administrator Dale Zimmer, and Mediator Tom Worley, and a quick overview of the Bureau of Mediation's Monthly Report for May 2004 showed the workload for the section. By using two mediators on this Committee, all of the mediation work will still be completed and the two mediators will be more knowledgeable of health insurance issues affecting bargaining. Administrator Zimmer stated that half of the program will consist of training and the other half will be educational outreach. This program of training and educating the Ohio public sector management and labor union representatives in the establishment of joint health care committees is to help resolve health care issues in Ohio. This program could in time be used in the private sector, but for now will only be used in Ohio in the public sector. The Board requested General Counsel Russ Keith to verify that there are no legal glitches with our using state employees in this way before they fully approve SERB's participation in this program. Mediator Worley concluded his presentation by also updating the Board on the Croatian Project, and mentioned that a website has been developed for people to review what had happened while the Croatians were here for mediation training.

Executive Director Snyder updated the Board on the Customer Service Assistant 1 position, and stated that a panel of Danetta Babbs, Tina McNeal, and herself interviewed several applicants. They are ranking the interviews, and if a candidate does not emerge from the first list, they will ask for another list to review and contact people from the list for possible interviews. She also mentioned that Friday, June 11, 2004, is the deadline for applications to be received for the Administrative Assistant 2 position. As of this date, there is one internal application and over 100 external applications filed for this position. Next week they will start reviewing all of the applications and contact people to come in for interviews.

Executive Director Snyder updated the Board on what is happening in the Clerks Office. She stated that she had a good meeting with them, and due to the extensive cross training Anderson Reed implemented, everyone is comfortable with doing the work for any section should someone be out of the office for any reason. For the time being, the Clerks Office is only handling what needs to be done with new case filings, mail, and inquiries. Case closings will be resumed in the future.

Executive Director Snyder mentioned to the Board that SERB's budget must be submitted to the Office of Budget and Management by July 15, 2004. She is also preparing the IT Plan for FY 2006-07 and will electronically submit it by June 30. As other information comes in, she will update it. She mentioned that to have all IT related purchases approved, they must be listed in this plan.

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Executive Director Snyder gave the Board a copy of the new time sheets that can now be electronically submitted through the Excel program on our computers. They are working out the bugs in the system so that all totals are calculated correctly. She also passed out a draft regarding compensatory time and overtime compensation to be reviewed for implementation into SERB's Employee Handbook. She asked the Board to review it and to give her any comments.

Executive Director Snyder mentioned that the ALRA Conference in Halifax is coming up at the end of July. Chairman Drake has been offered by the ALRA Grant Committee to participate in the Neutrality Project and by doing so with her participation on the ALRA Responder Panel, the Grant Committee can provide up to \$750.00 per panel participant in support to cover travel and lodging. Chairman Drake recused from voting. Vice Chairman Gillmor moved that the Board authorize Chairman Drake to attend the 2004 ALRA Conference and to receive reimbursement for travel and lodging expenses by the ALRA Grant Committee connected with her participation on the Responder Panel. Board Member Verich seconded the motion. Vice Chairman Gillmor called for the vote.

Vote: DRAKE Recused GILLMOR Aye VERICH Aye
Affirmed X Denied

Executive Director Snyder passed out to the Board the Draft Goals for Fiscal Year 2005, and would like to discuss the goals at the next Board meeting.

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