

STATE EMPLOYMENT RELATIONS BOARD

STATE OF OHIO

MINUTES

The State Employment Relations Board met on Thursday, July 22, 2004, at 10:00 a.m., at 65 East State Street, Columbus. Present at the meeting were Chairman Drake, Vice Chairman Gillmor, and Board Member Verich.

I. APPROVAL OF MINUTES FOR PREVIOUS MEETING:

Vice Chairman Gillmor moved that the Board approve the minutes for the July 8, 2004 meeting. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

Board Member Verich moved that the Board amend the minutes for the June 10, 2004 meeting, by revising the first two sentences in the discussion of Representation Items 4-6 to read: "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-03-0063, seeking to represent certain employees of the Employers. The Employer, in Case 04-REP-03-0063, responded by filing objections and a Petition for Representation Election." and approve the minutes as amended. 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>	

Vice Chairman Gillmor moved that the Board amend the minutes for the June 24, 2004 meeting by correcting the case number for Unfair Labor Practice Charge Matter Item 1 to read 04-ULP-03-0140. 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>	

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

There were no Mediation matters for this Board meeting.

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III. REPRESENTATION MATTERS AT ISSUE:

1. Case 04-REP-05-0084 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and City of Hillsboro
August 10,2004
2. Case 04-REP-04-0069 Ohio Council 8, American Federation of State, County and Municipal Employees, Commissioners
August 12,2004
3. Case 04-REP-02-0022 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Sharonville
August 17,2004
4. Case 04-REP-05-0088 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Elyria Health District
August 18,2004
5. Case 04-REP-04-0070 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Ohio Patrolmen's Benevolent Association and City of Cleveland
August 27,2004
6. Case 04-REP-03-0056 Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and Elida Local School District Board of Education
September 17,2004

Board Member Verich moved that the Board approve the Consent Election Agreements and direct elections to be conducted on the dates as indicated. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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7. Case 04-REP-06-0109 Ohio Nurses Association/American Nurses Association/United American Nurses and Ohio State University Hospitals
8. Case 04-REP-06-0111 Lawrence County Vocational Teachers, OEA/NEA and Lawrence County Joint Vocational School

In Case 04-REP-06-0109, the Employee Organization is the 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 a new facility, and to reflect current contract language.

In Case 04-REP-06-0111, the Employee Organization is the exclusive representative of certain employees of the Employer. The parties have jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to exclude adult education instructors.

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 Aye GILLMOR Aye VERICH Aye
Affirmed X Denied ___

9. Case 04-REP-03-0053 Ohio Nurses Association/American Nurses Association/United American Nurses and Ohio State University Hospitals

The Employee Organization and the Employer filed a Petition for Clarification of Bargaining Unit seeking to include Registered Nurse position at the Richard M. Ross Heart Hospital in the existing bargaining unit. The Employee Organization filed a letter withdrawing the petition. The Employer did not oppose the withdrawal. Board Member Verich moved that the Board construe the letter as a motion to withdraw, grant the motion, and dismiss without prejudice the Petition for Clarification of Bargaining Unit. Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion, and Labor Relations Specialist Dory McClendon noted to the Board that the parties in this case are the same as in Item 7, and that is the reason for the withdrawal in this case. Chairman Drake called for the vote.

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

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10. Case 03-REP-08-0139 Northwest State Community College Education Association (OEA) and Northwest State Community College

The Employee Organization is the exclusive representative of certain employees of the Employer. The Employer filed a Petition for Clarification of Bargaining Unit seeking to clarify the existing unit to exclude Safety and Security Officers who have historically been included in the unit, but are now performing duties that were subcontracted out by the Employer. The Employee Organization responded by filing a position statement opposing the clarification. The Board directed the case to hearing On April 1, 2004, to determine bargaining-unit status of the employees in question, and directed the parties to mediation. As a result of mediation, the parties have entered into a Settlement Agreement in which the Employee Organization withdrew its opposition to the petition to exclude the Safety and Security Officers. Vice Chairman Gillmor moved that the Board approve the Settlement Agreement, construe it as a motion to withdraw the Employee Organization's opposition to the petition, approve the petition, and clarify the unit to exclude Safety and Security Officers. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

11. Case 04-RLX-03-0001 Glenn E. Hoffman and Service Employees International Union/District 1199

The applicant filed an Application for Religious Exemption seeking an exemption from paying a fair share fee to the Employee Organization. In support of the application, the Applicant filed a letter from the Seventh-day Adventist Church asserting that it is tax-exempt, that the Applicant is a member in good standing, and that it has historically held conscientious objections to its members joining or financially supporting an employee organization. The Employee Organization filed a letter stating it would not protest the Application for Religious Exemption. Board Member Verich moved that the Board approve the Application for Religious Exemption and grant the Applicant exempt status pursuant to Ohio Revised Code § 4117.09(C). 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 04-REP-02-0020 Fraternal Order of Police, Ohio Labor Council, Inc. and City of North Collee Hill

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Employer responded by filing objections. 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

13. Case 04-REP-04-0071 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and City of Twinsburg

Board Member Verich moved that the Board remand this case back to the Representation Section for further investigation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion and mentioned that she was very happy with the success of the mediation. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

14. Case 04-REP-04-0072 Teamsters Local Union No. 284, IBT and The Ohio State University

The Employee Organization filed an amended Petition for Representation Election seeking to represent certain employees of the Employer. The Employer filed a position statement opposing the proposed bargaining unit. The Communications Workers of America filed a Motion to Intervene and it was sufficiently supported. The parties were not able to reach an agreement as to an appropriate bargaining unit. Vice Chairman Gillmor moved that the Board grant the Communications Workers of America's (CWA) Motion to Intervene, 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 any discussion. Board Member Verich moved to amend the motion to include that the matter be directed to an expedited hearing. Vice Chairman Gillmor seconded the motion to amend. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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Chairman Drake then called for the vote on the motion as amended.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
 Affirmed X Denied

15. Case 04-REP-03-0039 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Miamisburg

- There were 27 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 27 votes and has prevailed in this election.

Vice Chairman Gillmor moved that the Board certify the election results and certify the prevailing employee organization as the exclusive representative of all employees in the relevant bargaining unit. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
 Affirmed X Denied

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 04-ULP-03-0201 Union Local Association of Classroom Teachers, OEA/NEA v. Union Local School District Board of Education
2. Case 04-ULP-03-0129 Huah P. Gaughan v. National Conference of Firemen and Oilers Local 701. SEIU. AFL-CIO

Vice Chairman Gillmor moved that the Board approve and adopt the settlement agreement, construe the settlement agreement and notice as motions to withdraw, grant the motions, 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

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V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Cases 04-ULP-03-0142 Pat Patterson v. Cuyahoga County Department of Human Services and Lvdia McCain
- 04-ULP-03-0143 Pat Patterson v. Ohio Council 8, American Federation of State, County and Municipal Employees, Local 1746, AFL-CIO

In Case 04-ULP-03-0142, the unfair labor practice charge alleged the Charged Parties violated Ohio Revised Code § 4117.11(A)(1), (3), and (4) by verbally abusing the Charging Party and interfering with her union representation. Information gathered during the investigation revealed the Charging Party had not requested relief from her duties to discuss any union matters. The Charging Party was not subject to any discipline or investigatory interview where she was denied union representation.

In Case 04-ULP-03-0143, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(6) and (B)(6) by failing to fairly represent the Charging Party and failing to process her grievance. Information gathered during the investigation revealed the Charged Party asked the Charging Party if she wanted to meet over the demeaning comments and she declined. When the Charging Party wanted to file a grievance over the matter, it was untimely. The Charging Party filed one grievance, which the Charged Party was processing, when the Charging Party opted to file an unfair labor practice charge instead, and declined to go further with the grievance. Filing an Ohio Revised Code § 4117.11(A)(6) allegation in this matter does not apply against the Charged Party. The Charged Party's actions were not arbitrary, discriminatory, or in bad faith.

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 __

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2. Case 04-ULP-02-0110 Perkins Township Firefighters, IAFF Local 1953, AFL-CIO v. Perkins Township Trustees, Erie County

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by bargaining in bad faith, dealing directly with bargaining-unit members, and retaliating against Union Secretary Lisa Fox in response to filing grievances. 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 an expedited hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by bargaining in bad faith when it unilaterally changed health insurance coverage, dealing directly with bargaining-unit employees, retaliating against Union Secretary Lisa Fox in response to filing grievances, 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

3. Case 04-ULP-02-0087 Fraternal Order of Police, Capital City Lodge No. 9 and Donna Alexander v. City of Columbus

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by disciplining Officer Donna Alexander for engaging in protected activities of communicating directly with her union representative. Information gathered during the investigation revealed corrective counseling is not considered discipline. The meeting did not involve protected activities. The Charging Party's comments were not made in confidence to her union representative. 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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4. Case 04-ULP-03-0162 John Scott Kearns v. The Ohio State University

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) by denying the Charging Party his Fifth Amendment right by holding a hearing when he was exercising his Family Medical Leave Act rights. Information gathered during the investigation revealed no information was provided to demonstrate the Charged Party violated the statute. 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

5. Cases 04-ULP-03-0173 Jean Sandifer v. Huron County Board of Commissioners

04-ULP-03-0199 Jean Sandifer v. Ohio Council & American Federation of State, County and Municipal Employees, AFL-CIO, Local 710 and President Jeff Deeble

In Case 04-ULP-03-0173, the unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(8) by failing to notify the members of the bargaining unit that it was changing the work hours. Information gathered during the investigation revealed the Charged Party and the Union entered into an agreement that provides for the Charged Party to schedule its employees. No information was provided to show an Ohio Revised Code § 4117.11(A)(8) violation occurred.

In Case 04-ULP-03-0199, the unfair labor practice charge alleged the Charged Parties violated Ohio Revised Code § 4117.11(B)(6) by failing to fairly represent the bargaining-unit members. Information gathered during the investigation revealed the Charged Parties' actions were not arbitrary, discriminatory, or in bad faith.

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

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6. Case 04-ULP-03-0131 Owens Faculty Association. AFT-OFT v. Owens Community College. President Dr. Christa Adams, and Charles Campbell

The unfair labor practice charge alleged the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) and (5) by refusing to bargain in good faith. Information gathered during the investigation revealed the parties' agreement gives the Charged Parties the authority to determine whether employees can participate in conferences. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Parties. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

7. Case 04-ULP-03-0119 Bexley Education Association. OEA/NEA v. Bexley City School District Board of Education

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (2) by attempting to interfere with, restrain, and coerce employees in the exercise of guaranteed rights, and attempting to dominate and interfere with the administration of the Charging Party. Information gathered during the investigation revealed the Principal's comments were not threatening or intimidating. The Principal's actions with regard to the internal union minutes, to include bringing up union business at a partnership committee meeting, may have interfered with the administration of the union. 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)(2), but not (A)(1), by attempting to interfere with the administration of the union, 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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8. Case 04-ULP-03-0120 Bexlev Education Association. OEA/NEA v. Bexlev City School District Board of Education

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), and (5) by interfering with, restraining, and coercing employees dominating, and interfering with the Charging Party, and failing to bargain collectively. Information gathered during the investigation revealed Principal Nicholson's sending of an e-mail and meeting with bargaining-unit employees may violate the statute. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, consolidate the matter with Case 04-ULP-03-0119, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), and (5) by interfering with the administration of the Charging Party by sending a memorandum to, and holding a meeting with, bargaining-unit employees instead of the exclusive bargaining representative, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

9. Case 04-ULP-03-0135 Lorain City School District Board of Education v. National Conference of Firemen and Oilers. Local 103

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(B)(1), (2), and (3) by bypassing its bargaining representative during contract negotiations. 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 whether the Charged Party violated Ohio Revised Code § 4117.11(B)(3), but not (B)(1) or (2), by sending the February 22, 2004 letter directly to the School Board members, and bypassing the School Board's designated bargaining representative, dismiss all remaining allegations for lack of probable cause to believe that an unfair labor practice has been committed, and direct the parties to unfair labor practice mediation. Board Member Verich seconded the motion. Chairman Drake called for any discussion and mentioned that there is a subtle difference between the Ohio Revised Code § 4117.11(B)(2) and (3) allegation, and directing this matter to hearing will assist the Board in its decision. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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10. Case 04-ULP-03-0144 International Brotherhood of Teamsters,
Local 637 v. Licking County Sheriff and
Gerry Billy

The unfair labor practice charge alleged the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) and (3) by permitting nonbargaining-unit employees two days off with pay while refusing bargaining-unit employees the same benefit. Information gathered during the investigation revealed the bargaining-unit employees are entitled to those benefits negotiated in the collective bargaining agreement, which is what the Charged Parties gave the employees. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Parties. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

11. Cases 04-ULP-04-0203 Hugh P. Gaughan v. Cleveland City
School District Board of Education
04-ULP-04-0205 Hugh P. Gaughan v. Cleveland City
School District Board of Education

The unfair labor practice charges alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) by threatening discipline and disciplining the Charging Party, but failing to discipline a similarly situated employee. Information gathered during the investigation revealed the Charging Party failed to demonstrate any harm in Case 04-ULP-04-0203. In Case 04-ULP-04-0205, the Charging Party was disciplined for reasons other than exercising guaranteed rights. Vice Chairman Gillmor moved that the Board dismiss the charges 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. Cases 04-ULP-02-0083 Owens Faculty Association, AFT-OFT v. Owens Community College, Paul V. Unger, Daniel Hauenstein, and George Coxey

04-ULP-02-0084 Owens Faculty Association, AFT-OFT v. Owens Community College, Paul V. Unger, Daniel Hauenstein, and Mark Durivage

The unfair labor practice charges alleged the Charged Parties violated Ohio Revised Code § 4117.11(A)(1), (3), and (4) by discriminating against President Angela Ondrus and Vice President David Matheny. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, consolidate the cases, 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), (3) and (4) by disciplining the Charging Party's President Angela Ondrus and Vice President David Matheny in retaliation for the Charging Party filing unfair labor practice charges, 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

13. Case 04-ULP-03-0172 Greg Forcum v. Service Employees International Union, District 1199, David Regan, and Lee Alvis

The unfair labor practice charge alleged the Charged Parties violated Ohio Revised Code § 4117.11(B)(3) and (6) by failing to timely process the Charging Party's grievance. Information gathered during the investigation revealed the Charging Party has refused to participate in non-traditional arbitration, and the traditional arbitration takes longer to schedule. The Charged Parties' actions are not arbitrary, discriminatory, or in bad faith. The Charging Party failed to provide information to show that an Ohio Revised Code § 4117.11(B)(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 Parties. 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 04-ULP-03-0152 National Conference of Firemen and Oilers. Local 103 v. Lorain City School District Board of Education

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by implementing its last best offer, and refusing to provide requested information. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, coordinate the matter with Case 04-ULP-03-0135, consolidate the matter with Case 03-ULP-12-0664, 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 implementing its last, best offer and refusing to provide requested information, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

15. Case 04-ULP-03-0188 Ohio Civil Service Employees Association. AFSCME Local 11, AFL-CIO v. State of Ohio, Department of Rehabilitation and Correction. Belmont Correctional Institution

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), (5), and (8) by refusing to provide information related to discipline of a bargaining-unit employee, and refusing to allow the Charging Party to participate in the process. 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), (2), (5), and (8) by refusing to provide information related to the disposition of a potential disciplinary action involving a bargaining-unit employee and refusing to allow the Charging Party to participate in the process, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for any discussion and remarked that she agreed with the recommendation because the issue is a case of first impression, and sending the matter to hearing will allow the Board to obtain the information that will be most helpful in making a determination in this case. Chairman Drake then called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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16. Case 04-ULP-02-0072 Steven F. Sakal, Jr. v. Cuyahoga County Board of Commissioners

Board Member Verich moved that the Board dismiss the charge with prejudice because the Charging Party has failed to pursue the matter. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

17. Cases 04-ULP-03-0190 Hugh P. Gaughan v. Cleveland City School District Board of Education
04-ULP-03-0193 Hugh P. Gaughan v. Cleveland City School District Board of Education

Vice Chairman Gillmor moved that the Board delete the cases from the agenda as the Board has already taken action on the matters at the July 8, 2004 Board Meeting. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

18. Case 04-ULP-03-0132 Westlake Firefighters Association, Local 181. IAFF v. City of Westlake
19. Case 04-ULP-05-0258 Union Local School District Board of Education v. Union Local Association of Classroom Teachers, OENNEA
20. Case 04-ULP-06-0318 Black River Support Staff Association, OENNEA and Joanne Malusky v. Black River Local School District Board of Education
21. Case 04-ULP-05-0262 Louisville City School District Board of Education v. Louisville Education Association. OENNEA
22. Case 04-ULP-03-0176 Cleveland Police Patrolmen's Association v. City of Cleveland

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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VI. ADMINISTRATIVE MATTERS

Chairman Drake suggested that due to the absence of Executive Director Pat Snyder from this Board meeting, the Board Goals for FY'05 be discussed at the next meeting.

Chairman Drake and Executive Director Snyder will be attending the Association of Labor Relations Agencies Conference in Halifax, Canada.

Chairman Drake recognized a few employees from The Ohio State University Medical Center who were in attendance at this Board meeting. Chairman Drake addressed the group saying that if they had any concerns or questions, they could discuss them with General Counsel Russ Keith after the meeting.

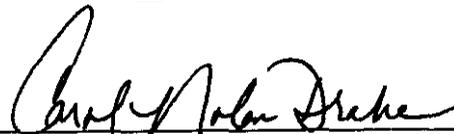
VII. ADJOURNMENT

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
Affirmed X

GILLMOR Aye
Denied

VERICH Aye



Carol Nolan Drake, Chairman

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