

STATE EMPLOYMENT RELATIONS BOARD

STATE OF OHIO

MINUTES

The State Employment Relations Board met on Thursday, September 30, 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 September 15, 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

II. MEDIATION AND FACT-FINDING MATTERS AT ISSUE:

There were no Mediation matters at this Board Meeting.

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 04-REP-04-0081 Ohio Patrolmen's Benevolent Association and City of Solon
October 19, 2004
2. Case 04-REP-07-0115 Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and Manchester Local School District Board of Education
October 21, 2004

Board Member Verich moved that the Board approve the Consent Election Agreements and direct elections to be conducted on the dates 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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3. Case 04-REP-08-0142 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Brunswick

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Employee Organization filed a motion to withdraw the Request for Recognition. Vice Chairman Gillmor moved that the Board grant the motion to withdraw and dismiss without prejudice the Request for Recognition. 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-REP-06-0101 Ohio Patrolmen's Benevolent Association and Southeastern Ohio Regional Jail
5. Case 04-REP-08-0138 General Truck Drivers Local Union No. 92 and Washington-Nile Local School District Board of Education
6. Case 04-REP-09-0155 Eastlake Professional Firefighters, IAFF Local 2860 and City of Eastlake

In Case 04-REP-06-0101, the Employee Organization and the Employer jointly filed a Petition for Amendment of Certification seeking to create two bargaining units. The Employer filed a letter approving the amendment.

In Case 04-REP-08-0138, the parties jointly filed a Petition for Amendment of Certification seeking to amend the certification to change the Employer's name from Washington Local School District to Washington-Nile Local School District Board of Education, to reflect the merger of Public Employees of Ohio, Local Union No. 450 into General Truck Drivers Local Union No. 92, and to reflect current contract language.

In Case 04-REP-09-0155, the parties jointly filed a Petition for Amendment of Certification seeking to remove the position of Senior Battalion Chief from the excluded portion of the bargaining unit.

Board Member Verich moved that the Board approve the petitions and amend the units accordingly. 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-06-0098 International Brotherhood of Teamsters
Local 114, AFL-CIO and City of Franklin

The Employee Organization filed a Petition for Representation Election seeking to represent certain employees of the Employer. The Employer filed objections proposing an alternate unit. A conference call was conducted for the purpose of executing a Consent Election Agreement. The Employee Organization and Employer could not reach an agreement as to an appropriate bargaining unit. The case has been mediated. The parties' dispute remains. Vice Chairman Gillmor moved that the Board direct this 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: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied

8. Case 03-REP-12-0249 Professionals Guild of Ohio and Butler
County Board of Mental Retardation and
Developmental Disabilities

- There were 13 ballots cast
- There were 0 challenged ballots
- No Representative received 1 vote
- Professionals Guild of Ohio received 12 votes and has prevailed in this election.

9. 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

- There were 111 ballots cast
- There were 2 challenged ballots
- No Representative received 0 votes
- Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO received 43 votes.
- Ohio Patrolmen's Benevolent Association received 66 votes and has prevailed in this election.

Board Member Verich moved that the Board certify the election results and certify each prevailing employee organization as the exclusive representative of all employees in the relevant 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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6. Case 04-ULP-02-0058 SERB v. City of Parma Heights, et al.

Board Member Verich moved that the Board approve and adopt the settlement agreements, construe the settlement agreements and letters as motions to withdraw and dismiss, grant all of the motions, 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. Cases 04-ULP-06-0374 Rodney G. Lemon v. O.D.R.C., Mansfield Correctional Institution and Scott Basquin
04-ULP-06-0375 Rodney G. Lemon v. O.D.R.C., Mansfield Correctional Institution and Phil Lomax
04-ULP-06-0376 Rodney G. Lemon v. O.D.R.C., Mansfield Correctional Institution and T. Decker

Ohio Administrative Code Rule 4117-7-01(B) requires that a charge provide a clear and concise statement of the facts constituting the alleged violation. The Charging Party has failed to provide clear and concise statements of facts constituting the alleged violations. Vice Chairman Gillmor moved that the Board dismiss the charges without prejudice due to the Charging Party's failure to provide clear and concise statements of 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 _____

2. Case 04-ULP-06-0369 Lorain City School Association of Classified Personnel, OEA/NEA v. Lorain City School District Board of Education

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The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by posting a supplemental Nurse Coordinator position during contract negotiations without bargaining. The investigation reveals the Charged Party posted the supplemental position, but withdrew the position and canceled it. The position was not filled. 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

3. Case 04-ULP-06-0300

Owens Faculty Association, AFT-OFT v.
Owens Community College, Dr. Christa
Adams, President and Brian Paskvan

The unfair labor practice charge alleges Charged Parties violated Ohio Revised Code § 4117.11(A)(1) and (5) by refusing to bargain in good faith. The investigation reveals that the College has a right to schedule, and Mr. Baranowski's hours were not reduced or extended. 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

4. Case 04-ULP-06-0330

Owens Faculty Association, AFT-OFT v.
Owens Community College and Dr. Christa
Adams, President

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) and (5) by dealing directly with bargaining-unit employees. The investigation reveals the College's letter to bargaining-unit employees identifies proposals and/or unresolved issues still in negotiations, which may constitute direct dealing. 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 Parties violated Ohio Revised Code § 4117.11(A)(1) and (5) by dealing directly with bargaining-unit employees, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

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5. Case 04-ULP-06-0308 Lima Education Association, OEA/NEA v. Lima City School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally changing the high school schedule from a semester schedule to a trimester schedule. The investigation reveals that the collective bargaining agreement between the parties includes a grievance procedure culminating in final and binding arbitration. A grievance regarding the alleged unilateral change has been filed and is proceeding through the grievance procedure. Vice Chairman Gillmor moved that the Board defer the matter to resolution through the grievance-arbitration procedure while retaining jurisdiction in accordance with *In re Upper Arlington Ed Assn*, SERB 92-010 (6-30-02). Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

6. Case 04-ULP-06-0309 Lima Education Association, OEA/NEA v. Lima City School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by bargaining in bad faith when it attempted to deal directly with bargaining-unit members. The investigation reveals the Charged Party's newsletter was not an attempt to circumvent the Charging Party and deal directly with its members. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

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7. Case 04-ULP-07-0409 Marilyn K. Holsopple v. Miami Valley Career Technology Center

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(8) by intimidating and harassing her and assigning an unreasonable workload that resulted in her being medically disabled. The Charged Party filed a motion to dismiss because the Charging Party failed to allege a violation of the statute and the charge is untimely. Vice Chairman Gillmor moved that the Board grant the Charged Party's motion to dismiss and dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party and 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 _____

8. Case 04-ULP-07-0410 Marilyn K. Holsopple v. Ohio Federation of Teachers

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to fairly represent the Charging Party. The investigation reveals the charge is untimely filed. Board Member Verich moved that the Board dismiss the charge with prejudice 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 _____

9. Case 04-ULP-05-0277 Columbiana County Sheriff v. Fraternal Order of Police, Ohio Labor Council, Inc.

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(3) by presenting a permissive subject of bargaining to conciliation. The investigation reveals the proposal is properly before the conciliator. Vice Chairman Gillmor moved 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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10. Case 04-ULP-06-0350 Ohio Patrolmen's Benevolent Association
v. City of Struthers

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by unilaterally making deductions for health insurance from employees' paychecks. The investigation reveals that the City did not maintain the status quo during the Union's organizing efforts. The Charging Party failed to provide any information to support an (A)(3) violation. 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. 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-ULP-03-0137 Professionals Guild of Ohio v. Montgomery
County Children Services

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally implementing changes to health care coverage. 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 refusing to bargain over the effects of medical plan changes, 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 _____

12. Case 04-ULP-06-0354 Charles L. Davis v. City of Cleveland –
Police Department

The Charging Party failed to provide clear and concise statements of facts constituting the alleged violations. Ohio Administrative Code Rule 4117-7-01(B) requires that a charge provide a clear and concise statement of the facts constituting the alleged violation. Board Member Verich moved that the Board dismiss the charge without prejudice due to the Charging Party's failure to provide clear and concise statements of facts constituting the alleged violations. 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-04-0236

Terry Brown v. Hamilton County
Department of Job and Family Services

The Charging Party filed an unfair labor practice charge alleging the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), (4), and (8) by harassing Mr. Brown and retaliating against him for filing a grievance. The investigation reveals no evidence was provided to support the statute was violated. 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-04-0224

Fraternal Order of Police, Ohio Labor
Council, Inc. v. Clinton County Sheriff

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by discriminating against Deputy Stonewall for exercising his guaranteed rights. The investigation reveals Deputy Stonewall was engaged in protected activity with the employer's knowledge and did receive a 10-day suspension. A credibility issue exists as to whether Deputy Stonewall was using sick leave under false pretenses. 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 (3) by suspending Deputy Stonewall in retaliation for his exercise of guaranteed rights, 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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15. Case 04-ULP-06-0365

Fraternal Order of Police, Ohio Labor
Council, Inc. v. Clinton County Sheriff

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), and (4) by retaliating against Deputy Addison Stonewall for engaging in protected activity. The investigation reveals Deputy Stonewall was engaged in protected activity with the Employer's knowledge but has not received any harm from the Sheriff's action of filing criminal charges as a result of an investigation. Vice Chairman Gillmor moved that the Board consolidate this case with Case No. 04-ULP-04-0224, 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), but not (3) and (4), by attempting to retaliate against Deputy Addison Stonewall for engaging in protected activities, 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 _____

16. Case 04-ULP-04-0243

Keven Lindsay v. Mansfield Fire Fighters
Association, Local 266, IAFF

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to fairly represent him. The investigation reveals the Charging Party had union representation, was given the opportunity to file a grievance, and was offered assistance by the union, but he never filed a grievance. 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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19. Case 04-ULP-05-0275

Lennie Smallwood v. Ohio Civil Service
Employees Association, AFSCME
Local 11, AFL-CIO

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to fairly represent him. The investigation reveals the Union processed the grievance through its internal process to determine if it had merit to forward to arbitration. The Union's actions were not arbitrary, discriminatory, or in bad faith. 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 _____

20. Case 04-ULP-03-0130

Jefferson County Department of Job and
Family Services v. Communications
Workers of America, AFL-CIO

The unfair labor practice charge alleges a violation of Ohio Revised Code § 4117.11(B)(2) by provoking the Charging Party into taking retaliatory action against the Union President for conducting union business during work, attempting to secure the removal of the director, violating the negotiation guidelines, giving inflammatory statements to the media, and repeatedly bypassing the employer's representatives. Board Member Verich moved that the Board sua sponte stay the investigation of the unfair labor practice charge pending the outcome of the grievance arbitration concerning the Charging Party's discipline of Ms. Cramblett. Vice Chairman Gillmor seconded the motion. Chairman Drake asked Investigations Administrator Alan Bonham whether there were any concerns about a stay, and Mr. Bonham did not have any. Chairman Drake called for the vote.

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

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23. Case 04-ULP-03-0139

MARCA Education Association, OEA/NEA
v. Marion County Board of Mental
Retardation and Developmental Disabilities

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(6) by failing to timely process grievances and requests for arbitration. The investigation reveals the Charged Party has not repeatedly refused to process grievances. 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

24. Case 04-ULP-03-0146

Service Employees International Union,
District 1199 v. State of Ohio, Department
of Youth Services, Scioto Juvenile
Correctional Facility and Shari Wolfe

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(5) by refusing to negotiate schedule changes and provide requested information. The investigation reveals the matter is contractual, and no documents were provided to support that the Charged Party failed to provide the information requested. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Parties. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

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25. Case 04-ULP-05-0283

Fairborn Professional Firefighters
Association, IAFF Local 1235 v. City of
Fairborn and Fire Chief Rudy Weyland

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1), (3), (5), and (8) by failing to promote the No. 1 candidate to the position of Lieutenant. The investigation reveals Mr. Lykins was not promoted after he engaged in protected activities. No information was provided to support the Ohio Revised Code § 4117.11(A)(5) or (8) allegations. 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 (3), but not (5) and (8), by failing to promote Officer Lykins in retaliation for his exercise of guaranteed rights, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

26. Case 04-ULP-03-0126

Fraternal Order of Police, Ohio Labor
Council, Inc. v. City of Louisville

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by demoting two of three bargaining-unit employees and redefining the third employee's position, thereby removing him from the bargaining unit, in retaliation for exercising their right to representation. The investigation reveals the newly formed bargaining unit appears to be the brunt of the changes by the City. 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 (3) by retaliating against employees for engaging in protected activities, 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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27. Case 04-ULP-01-0056 Spencer T. Bendle v. Edison Local School District Board of Education

On June 24, 2004, the Board dismissed this charge for lack of probable cause. On August 23, 2004, the Charging Party filed a timely Motion for Reconsideration. The Charging Party asserts that because he won a grievance at arbitration the Board should reconsider his case. The investigation revealed the arbitration did not reveal any new information not already addressed in the original investigation. Board Member Verich moved that the Board deny the motion for reconsideration with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

28. Case 04-ULP-07-0382 Edward C. Johnson, Jr. v. National Conference of Firemen and Oilers, Local 100
29. Case 04-ULP-05-0255 Columbus Municipal Association of Government Employees/Communications Workers of America, Local 4502 v. City of Columbus
30. Case 04-ULP-06-0351 Danielle Leah Boyles v. Warren County Board of Mental Retardation and Developmental Disabilities
31. Cases 04-ULP-06-0315 Barbara Benson v. City of Jackson
04-ULP-06-0316 Barbara Benson v. Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 410
04-ULP-06-0317 Barbara Benson v. Ohio Council 8, American Federation of State, County and Municipal Employees
32. Case 04-ULP-06-0344 Lewis J. Tarsha v. Lucas County Department of Job and Family Services
33. Case 04-ULP-06-0335 Elroy F. James v. State of Ohio, Department of Rehabilitation and Correction, Allen Correctional Institution

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34. Case 04-ULP-06-0361 Terry Brown v. Hamilton County
Department of Job and Family Services

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

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

35. Case 04-ULP-06-0390 Terry Brown v. Ohio Council 8, American
Federation of State, County and Municipal
Employees, Local 8 and Its Local 1768

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 _____

36. Case 04-ULP-06-0370 Wayne County JVS Education Association,
OEA/NEA v. Wayne County JVS District
Board of Education

37. Case 04-ULP-08-0454 Ohio Patrolmen's Benevolent Association
v. Ashtabula County Sheriff

38. Case 04-ULP-07-0430 Butler Education Association v. Butler
Technology and Career Development
School Board of Education

39. Case 04-ULP-08-0457 Northwest Association of Educators,
OEA/NEA, et al. v. Northwest Local School
District Board of Education

Board Member Verich moved that the Board construe the letter as a motion to withdraw, and grant all of the 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 _____

