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III. REPRESENTATION MATTERS AT ISSUE:

1. Case 04-REP-07-0131 Ohio Patrolmen's Benevolent Association and Lorain County Sheriff's Employees Association and Lorain County Sheriff
February 23, 2005

Chairman Drake moved that the Board approve the Consent Election Agreement and direct an election be conducted on February 23, 2005. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

2. Case 04-REP-12-0225 Professional Association for the Teaching of the Mentally Retarded/OEA/NEA and Lake County Board of Mental Retardation and Developmental Disabilities

The parties jointly filed a Petition for Amendment of Certification seeking to amend the existing PATMR unit to include Benefits Specialist. Vice Chairman Gillmor moved that Board approve the jointly filed petition and amend the unit accordingly. Chairman Drake seconded the motion and called for the vote.

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

3. Case 04-REP-02-0020 Fraternal Order of Police, Ohio Labor Council, Inc. and City of North College Hill

- There were 6 ballots cast
- There were 0 challenged ballots
- No Representative received 1 vote
- Fraternal Order of Police, Ohio Labor Council, Inc. received 5 votes and has prevailed in this election.

4. Case 04-REP-09-0182 Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and Hillsboro City School District Board of Education

- There were 21 ballots cast
- There was 1 challenged ballot
- No Representative received 8 votes
- Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO received 12 votes and has prevailed in this election.

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5. Case 04-REP-06-0114 United Steelworkers of America AFL-CIO, CLC and Kent State University

- There were 629 ballots cast
- There were 22 challenged ballots
- United Steelworkers of America, AFL-CIO, CLC received 246 votes
- No Representative received 361 votes and has prevailed in this election.

Chairman Drake moved that the Board certify the election results and, in Cases 04-REP-02-0020 and 04-REP-09-0182, 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: Absent
Affirmed X Denied _____

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 04-ULP-02-0067 Elyria School Support Staff, OEA/NEA v. Elyria City School District Board of Education

Vice Chairman Gillmor moved that the Board table the matter. Chairman Drake seconded the motion and called for the vote.

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

2. Case 04-ULP-05-0285 Youngstown Metropolitan Housing Authority v. Ohio Council 8, American Federation of State, County and Municipal Employees, Local 288, AFL-CIO

3. Cases 04-ULP-04-0224 Fraternal Order of Police, Ohio Labor
04-ULP-06-0365 Council, Inc. v. Clinton County Sheriff
04-ULP-08-0478

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4. Case 03-ULP-12-0674 Strongsville Education Association,
OEA/NEA v. Strongsville City School
District Board of Education

Chairman Drake moved that the Board approve and adopt the settlement agreements, construe the settlement agreements as motions to withdraw or dismiss, grant all motions, 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: Absent
Affirmed X Denied _____

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 04-ULP-06-0340 Green Education Association, OEA/NEA v.
Green Local 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 altering terms and conditions of employment for two (2) teachers without bargaining. The investigation reveals the matter is strictly contractual, and no statutory violations 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. Chairman Drake seconded the motion and called for the vote.

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

2. Case 04-ULP-06-0341 Kathleen Lehr v. Green Local School
District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by changing the Charging Party's terms and conditions of employment and transferring her to another school in retaliation for exercising guaranteed rights. The investigation reveals the Charging Party was a public employee engaged in the protected activity of filing grievances with the Charged Party's knowledge, but the Charging Party was not harmed. The transfer was for reasons other than engaging in protected activity. Chairman Drake 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: Absent
Affirmed X Denied _____

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3. Case 04-ULP-11-0626 Helen Moore v. International Brotherhood of Teamsters, Local 284

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (5) by attempting to coerce the Charging Party in the exercise of guaranteed rights to campaign in order to obtain union affiliation. The investigation reveals no evidence to demonstrate the Charging Party was coerced or restrained in exercising of guaranteed rights and no evidence to support the Ohio Revised Code § 4117.11(B)(5) violations 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. Chairman Drake seconded the motion and called for the vote.

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

4. Case 04-ULP-11-0628 Michael L. Bowshier v. Springfield Metropolitan Housing Authority

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by failing to bargain the new changes in the personnel policy manual that affect terms and conditions of employment. The investigation reveals the Charged Party did not refuse to bargain with the union, and the Charged Party did not have an obligation to bargain with the Charging Party. No information was provided to support an Ohio Revised Code § 4117.11(B)(1) violation occurred. Chairman Drake 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: Absent
Affirmed X Denied _____

5. Cases 04-ULP-09-0494 Phillip Dill v. Montgomery County Sheriff
04-ULP-09-0495 Phillip Dill v. Fraternal Order of Police, Lodge 104

The unfair labor practice charge alleges, in Case 04-ULP-09-0494, that the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by interfering with the Charging Party's guaranteed rights and discriminating against him and, in Case 04-ULP-09-0495, that the Charged Party violated Ohio Revised Code § 4117.11(B)(1), (2), and (6) by failing to fairly represent the Charging Party. The investigation reveals the charges are untimely. Vice Chairman Gillmor moved that the Board dismiss the charges with prejudice as untimely filed. Chairman Drake seconded the motion and called for the vote.

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

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9. Case 04-ULP-08-0449 Akron City School District Board of Education v. Akron Association of Classified Personnel, OEA/NEA

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (3) by failing to bargain in good faith. The investigation reveals the Charging Party's actions do not rise to the level of a violation. The statute does not preclude the Charged Party from filing a lawsuit. 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. Chairman Drake seconded the motion, stated that the complaint for declaratory judgment has been filed in the appropriate forum, and then called for the vote.

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

10. Case 04-ULP-09-0505 James Frisbee v. Perkins Township Highway Department, Erie County

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by retaliating against the Charging Party for exercising guaranteed rights. The investigation reveals the Charging Party was terminated for reasons other than exercising his guaranteed rights. Chairman Drake 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: Absent
Affirmed X Denied _____

11. Case 04-ULP-06-0358 Jodie L. Litman v. State of Ohio, Department of Youth Services, Indian River Juvenile Correction Facility, Arthur Tate, et al.

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code § 4117.11(A)(1) and (3) by retaliating, discriminating, and harassing the Charging Party for exercising her guaranteed rights when the Charging Party was denied leave after filing a grievance. The investigation reveals the Charged Party was aware of the Charging Party filing a grievance and then denied her leave. The timing of the actions is suspect. 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 Parties violated Ohio Revised Code § 4117.11(A)(1) and (3) by retaliating and discriminating against the Charging Party, and harassing her for exercising her guaranteed rights when the Charged Parties denied her leave after she filed a grievance, and direct the parties to ULP mediation. Chairman Drake seconded the motion and called for the vote.

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

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12. Case 04-ULP-09-0518

Bexley City School District Board of
Education v. Bexley Education Association,
OEA/NEA

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(1) and (3) by refusing to bargain in good faith when it contacted a parent to clear up a complaint in an attempt to circumvent the principal's contractual issues. The investigation reveals the Charged Party has a duty to represent its members. The Charging Party's actions did not circumvent the principal's contractual duty to discuss and resolve the matter. Chairman Drake 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 commented that while it may not seem appropriate for the Charged Party to contact the parents, it did not rise to the level of a statutory violation. Chairman Drake then called for the vote.

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

13. Case 04-ULP-06-0331

International Alliance of Theatrical Stage
Employees, AFL-CIO, Local 101 v. W. D.
Packard Music Hall Board of Trustees

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by refusing to negotiate a successor agreement, to include a grievance procedure. The investigation reveals the Charging Party is not the certified exclusive bargaining representative, and the Charged Party is a not a public employer. 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 and for lack of jurisdiction. Chairman Drake seconded the motion and called for the vote.

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

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14. Case 04-ULP-08-0467 Ohio Patrolmen's Benevolent Association v. Cuyahoga County Commissioners, Central Services
15. Case 04-ULP-10-0559 Glossie Barron v. Cleveland City School District Board of Education
16. Case 04-ULP-10-0560 Glossie Barron v. Service Employees International Union, National Conference of Firemen and Oilers, Local 701

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

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

17. Case 04-ULP-10-0561 Frances Rivera v. Cleveland City School District Board of Education
18. Case 04-ULP-10-0562 Frances Rivera v. Service Employees International Union, National Conference of Firemen and Oilers, Local 701

Vice Chairman Gillmor moved that the Board dismiss the charges without prejudice due to Charging Party's failure to provide clear and concise statements of the facts constituting the alleged violations. Chairman Drake seconded the motion and called for the vote.

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

19. Case 04-ULP-05-0278 Communications Workers of America, Local 4501 v. Pickaway County Child Support Enforcement Agency, Department of Job and Family Services

Chairman Drake moved that the case be lifted from the table. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

Vice Chairman Gillmor moved that the Board construe the settlement as a motion to withdraw and grant the motion with prejudice. Chairman Drake seconded the motion and called for the vote.

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

