STATE EMPLOYMENT RELATIONS BOARD

STATE OF OHIO

MINUTES

The State Employment Relations Board met on Thursday, March 3, 2005, at 10:00 a.m., at 65 East State Street, Columbus. Present at the meeting were Chairman Carol Nolan Drake, Vice Chairman Karen L. Gillmor, and Board Member Michael G. Verich.

I. APPROVAL OF MINUTES FOR PREVIOUS MEETING:

Vice Chairman Gillmor moved that the Board approve the minutes for the February 10, 2005 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:

1. Cases 04-MED-09-0922 Teamsters Local Union No. 436 and The
04-MED-09-1010 Ohio Turnpike Commission

Board Member Verich moved to lift the tabled case. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

Vice Chairman Gillmor moved that the Board grant the motions to withdraw with prejudice. Board Member Verich seconded the motion. Chairman Drake called for any discussion, and stated that the mediators worked diligently to settle the matter, and she, on behalf of the Board, wished to thank the mediators involved in this settlement, especially putting in the long, hard hours to help make the negotiations a success. Chairman Drake then called for the vote.

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

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 04-REP-08-0147 Fraternal Order of Police, Ohio Labor Council, Inc. and Lawrence Township Trustees, Stark County

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The substantial evidence is sufficient, no objections were filed, and the Employer has complied with the posting requirements. Board Member Verich moved that the Board certify the Employee Organization as the exclusive representative of all employees in the bargaining unit. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

2. Case 04-REP-09-0171 Aurora Part Time Firefighters Bargaining Unit and City of Aurora

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Employer responded by filing a Petition for Representation Election. The Employee Organization filed a letter withdrawing the request. Vice chairman Gillmor moved that the Board construe the Employee Organization's letter as a motion to withdraw, grant the motion, and dismiss without prejudice the Request for Recognition, and dismiss the Petition for Representation Election as moot. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

3. Case 04-REP-09-0157 — Ohio Patrolmen's Benevolent Association, and Ohio Council 8, AFSCME, AFL-CIO and AFSCME Local 2845A, and City of Nelsonville
March 29, 2005

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 Incumbent Employee Organization filed a Disclaimer of Interest. The parties confirmed that no contract exists. The Employer and Rival Employee Organization entered into a Consent Election Agreement seeking an election on March 29, 2005. Board Member Verich moved that the Board grant the Incumbent Employee Organization's Disclaimer of Interest, approve the Consent Election Agreement, and direct an election to be conducted on March 29, 2005. 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-09-0185 — Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Ohio Labor Council, Inc., and Summit County Sheriff
March 30, 2005

5. Cases 04-REP-09-0183, 04-REP-09-0184 — Fraternal Order of Police, Ohio Labor Council, Inc., and Bus Sales, Truck Drivers, Warehousemen and Helpers Local Union No. 637, and Licking County Sheriff
March 31, 2005

6. Case 04-REP-09-0154 — Fraternal Order of Police, Ohio Labor Council, Inc. and Miami University
April 5, 2005

7. Case 04-REP-09-0162 — Euclid Corrections Officers Association (ECOA) and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Euclid
April 6, 2005

8. Case 04-REP-09-0158 — Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and Ashtabula County Sheriff
April 7, 2005

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

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

9. Cases 04-REP-08-0140, 04-REP-08-0141 — Fraternal Order of Police, Ohio Labor Council, Inc. and Village of Granville

The Employee Organization filed a Request for Recognition in each cited case, seeking to represent certain employees of the Employer. The Employer responded by filing Petitions for Representation Election and a Motion to Dismiss. The Employer maintains the Village of Granville is not a public employer. The Employee Organization filed a response stating that according to a "corrected census" the Village of Granville is a public employer. Board Member Verich moved that the Board consolidate Cases 04-REP-08-0140 and 04-REP-08-0141, direct the cases 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 04-REP-08-0145 — Fraternal Order of Police, Ohio Labor Council, Inc. and City of Mt. Healthy

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Employer responded by filing objections to the Request for Recognition, contending that the employees in the petitioned-for unit are seasonal or casual employees. Vice Chairman Gillmor moved that the Board direct the case 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 ___

11. Cases 04-REP-06-0112 04-REP-06-0113 — Fraternal Order of Police, Ohio Labor Council, Inc. and Franklin County Sheriff

In Case 04-REP-06-0112, the Employee Organization filed a Request for Recognition seeking to represent all full-time Nurses, Registered Nurses, and Licensed Practical Nurses. The Employer responded by filing objections, maintaining the parties executed a Memorandum of Understanding to include the employees in question in the existing bargaining unit. The Employee Organization now maintains that the employees in questions should be in a separate bargaining unit.

In Case 04-REP-06-0113, the Employee Organization filed a Petition for Amendment of Certification seeking to include Medical Records Clerks and Dental Assistants in the existing bargaining unit. The Employer responded by filing a Petition for Amendment of Certification and a position statement that it does not object to the inclusion of the Medical Records Clerks and Dental Assistants, but that the amendment should also include full-time Registered Nurses and Licensed Practical Nurses.

Board Member Verich moved that the Board consolidate Cases 04-REP-06-0112 and 04-REP-06-0113, direct the cases 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 ___

12. Case 04-REP-08-0132 — Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO and Orange City School District Board of Education

The Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Employer filed objections to the Request for Recognition. The Employer also filed a motion to dismiss or, in the alternative, to supplement its objections. The Employee Organization filed a response in opposition to the Motion to Dismiss. On February 10, 2005, the Board directed the case to hearing to determine an appropriate bargaining unit and for all other relevant issues, and directed the parties to mediation, but did not dispose of the Employer's motions. Vice Chairman Gillmor moved that the Board deny the Employer's motion to dismiss and grant the motion to supplement its objections. 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-07-0130 Little Miami Professional Fire Fighters, IAFF Local 4380 and Little Miami Joint Fire & Rescue District

- There were 7 ballots cast
- There were 0 challenged ballots
- No Representative received 0 votes
- Little Miami Professional Fire Fighters, IAFF Local 4380 received 7 votes and has prevailed in this election.

14. Case 04-REP-07-0122 Teamsters Local No. 416 and City of Broadview Heights

- There were 24 ballots cast
- There were 0 challenged ballots
- No Representative received 5 votes
- Teamsters Local No. 416 received 19 votes and has prevailed in this election.

15. Case 03-REP-12-0242 Ohio Federation of Teachers and Owens Community College

- There were 72 ballots cast
- There were 0 challenged ballots
- No Representative received 29 votes
- Ohio Federation of Teachers received 43 votes and has prevailed in this election.

16. Case 04-REP-11-0204 International Brotherhood of Teamsters Local 436 and City of Solon

- There were 20 ballots cast
- There were 0 challenged ballots
- No Representative received 7 votes
- International Brotherhood of Teamsters Local 436 received 13 votes.
- Fraternal Order of Police, Ohio Labor Council, Inc. received 39 votes and has prevailed in this election.

Board Member Verich moved that the Board certify the election results and certify the prevailing employee organizations 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 ___

IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 03-REP-04-0062 Ohio Patrolmen's Benevolent Association and City of Norwalk

Vice Chairman Gillmor moved that the Board adopt the parties' Second Addendum to the Joint Stipulations, adopt the Findings of Fact and Conclusions of Law in the Recommended Determination, finding that the "interim" Patrol Officer performing bargaining-unit work is included within the bargaining unit of "All Patrol Officers," and clarify the unit accordingly. 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-REP-04-0072 Teamsters Local Union No. 284, IBT and Communications Workers of America Local 4501 and The Ohio State University

Board Member Verich moved that the Board adopt the Findings of Fact, Analysis and Discussion, and Conclusions of Law in the Recommended Determination, finding that the Licensed Practical Nurses should be included and the OSU East employees should be excluded from the proposed bargaining unit, and direct an election in the appropriate bargaining unit at a date, time, and place to be determined by the Representation Section in consultation with the parties. Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion and stated that the Administrative Law Judge did an excellent job explaining in detail what each job entailed, and made it easier for the Board to make a determination in this case. Chairman Drake called for the vote.

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

3. Case 03-ULP-11-0586 SERB v City of Jackson

Vice Chairman Gillmor moved that the Board adopt the Findings of Fact, Analysis and Discussion, and Conclusions of Law in the Proposed Order, finding that the Respondent violated Ohio Revised Code §§ 4117.11(A)(1) and (A)(5) when it failed to recognize the parties' collective bargaining agreement, and issue an order, with a Notice to Employees, requiring the Respondent to: cease and desist from interfering with, restraining, or coercing employees in the exercise of their rights guaranteed in Ohio Revised Code Chapter 4117, and refusing to bargain collectively with the exclusive representative of its employees, by failing to recognize the parties' collective bargaining agreement, and from otherwise violating Ohio Revised Code §§ 4117.11(A)(1) and (A)(5); recognize the collective bargaining agreement between the Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and its Local 410 and the City of Jackson; post for sixty days in all the usual and normal posting locations where bargaining-unit

employees represented by the Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and its Local 410 work, the Notice to Employees furnished by the Board; and notify the Board in writing within twenty calendar days from the date the Order becomes final of the steps that have been taken to comply therewith. 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-02-0109 SERB v. City of Jackson

The Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and its Local 410 filed an unfair labor practice charge against the Respondent. The Board found probable cause existed for believing the Respondent had committed or was committing unfair labor practices, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to unfair labor practice mediation. The parties filed a motion to stay the hearing in this case pending the outcome of the Board's action in *SERB v. City of Jackson*, Case 2003-ULP-11-0586, which the Board addressed in Item 3 immediately above. Board Member Verich moved that the Board deny the motion to stay as moot. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

5. Case 03-ULP-08-0408 SERB v. Lakota Local School District Board of Education

The International Brotherhood of Teamsters Local 100 filed an unfair labor practice charge against the Respondent. 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. An Administrative Law Judge's Proposed Order was issued, recommending that the Board find that the Respondent did not unilaterally transfer Ms. Bea Owens as a result of her participation in the Teamsters' organizing effort and, consequently, did not violate Ohio Revised Code § 4117.11(A)(1). The Administrative Law Judge also recommended that the Board dismiss the complaint and dismiss with prejudice the unfair labor practice charge. No exceptions were filed to the Proposed Order.

Vice Chairman Gillmor 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. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

6. Case 03-ULP-05-0252 SERB v. Amalgamated Transit Union Local 627

Johnny Brantley filed an unfair labor practice charge with the Board alleging that the Respondent had violated Ohio Revised Code § 4117.11(B)(1). The Board found probable cause to believe an unfair labor practice had been committed and directed the unfair labor practice case to hearing. The Administrative Law Judge issued a Proposed Order. The Board adopted the Findings of Fact, Analysis and Discussion, and Conclusions of Law in the Proposed Order, finding that the Respondent violated Ohio Revised Code § 4117.11(B)(1) when it refused to either file a grievance on the Intervenor's behalf or to provide him with the grievance form he requested so that he could present the grievance himself.

By a letter dated October 13, 2004, William P. Whalen, Jr., Esq., sent a letter to the Board alleging that the Respondent had not complied with the Board's order, specifically the posting requirement. According to the Respondent's representative, the notice was posted on the Respondent's bulletin board at the Bond Hill and Queensgate Divisions and remained posted for at least sixty days. A copy of the letter from the Respondent's representative was sent to Mr. Brantley's representative. Mr. Brantley's representative did not send in any response.

Board Member Verich moved that the Board construe the letter from Mr. Brantley's representative as a motion for a show cause hearing and deny the motion. Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion and stated she applauded the efforts of General Counsel Russ Keith to ensure that each party received the letters in question, which were not served to all parties involved, and that Mr. Keith made sure everyone received them. Chairman Drake called for the vote.

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

7. Case 04-ULP-04-0215 James G. Sweeney, et al. v. Cuyahoga County Support Enforcement Agency

The Charging Parties filed an unfair labor practice charge against the Charged Party. The Board found probable cause to believe a violation had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to unfair labor practice mediation. The Board also dismissed the Ohio Revised Code § 4117.11(A)(5) allegations concerning flex time, core work hours, and scheduling. The Board directive was issued on December 10, 2004.

On January 31, 2005, the Charging Parties filed a motion for reconsideration. Also on January 31, 2005, the Charging Parties filed a motion for an extension of time to the 45-day period for filing a motion for reconsideration. The Charged Party filed a response opposing both of the Charging Parties' motions. The parties subsequently filed a settlement agreement in which they requested that the Board construe the agreement as a motion by the Charging Parties to withdraw the unfair labor practice charge.

Vice Chairman Gillmor moved that the Board approve and adopt the settlement agreement, construe the settlement agreement as the Charging Parties' motion to withdraw, grant the motion, and deny the Charging Parties' motions for extension and for reconsideration as moot. 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-11-0224 Teamsters Local Union No. 413 and Southwest Licking School District

The Employee Organization filed a Petition for Representation Election with the Board seeking to represent certain employees of the Employer. The Employer filed the Certificate of Posting and the alphabetized, numbered list of employees in the petitioned-for unit. The Employer also filed objections to the petitioned-for unit, contending that the bargaining unit was not appropriate; the Employer proposed an alternative unit. The Board directed the case to hearing to determine an appropriate bargaining unit and for all other relevant issues and directed the parties to mediation. The Employer notified the administrative law judge that the parties had reached a settlement and would be entering into a consent election agreement. The agreement was signed by the Employer, but ultimately was not signed by the Union. Consequently, the Board again directed the case to hearing to determine an appropriate bargaining unit and for all other relevant issues.

The parties subsequently executed a "Joint Stipulation of Fact and Law" that was signed by the representatives for both parties. Paragraph 3 of the joint stipulation stated in relevant part: "Should the State Employment Relations Board direct an election in a bargaining unit for collective bargaining, the following describes the appropriate unit for bargaining under Ohio Revised Code 4117.06: * * * [including] Bus Driver, Bus Mechanic, Bus Monitor, and Transportation Receptionist/Dispatcher." In the joint stipulation, the Employer expressly did not agree to a consent election or to any other issue relating to representation of a bargaining unit by the Union.

As a result of the joint stipulation, no issues of fact or law are remaining from the Employer's objections, no questions of representation exist, and a hearing is no longer necessary. The showing of interest is sufficient. The Employer has complied with the posting requirements set forth in Ohio Revised Code § 4117.05(A)(2).

Board Member Verich moved that the Board approve and adopt the "Joint Stipulation of Fact and Law," rescind the direction to hearing, and direct an election to be conducted in the appropriate unit at a date, time, and place to be determined by the Representation Section in consultation with the parties. Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion and asked for a clarification from General Counsel Keith regarding the Employer's comment. Mr. Keith responded by saying that the Employer was merely agreeing to what a potential bargaining unit should be, but was specifically not consenting to an election. Chairman Drake then called for the vote.

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

9.	Case	04-ULP-03-0167	North College Hill Police Association v. City of North College Hill
10.	Case	04-ULP-04-0211	Edon-Northwest Education Association, OEA/NEA and Mark Blue v. Edon-Northwest Local Board of Education
11.	Case	04-ULP-07-0380	SERB v. Gallia County Board of Mental Retardation and Developmental Disabilities
12.	Cases	03-ULP-06-0322 04-ULP-02-0069	SERB v. City of Cleveland
	Case	04-ULP-07-0406	SERB v. Municipal Construction Equipment Operator's Council

Vice Chairman Gillmor moved that the Board approve and adopt the settlement agreements, construe the settlement agreements as motions to withdraw or dismiss, grant all motions, dismiss the complaints, dismiss with prejudice the unfair labor practice charges, and rescind the direction to show cause hearing in Case 03-ULP-06-0322. 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-ULP-03-0192	Communications Workers of America, Local 4501, AFL-CIO v. Ohio Secretary of State

The Charging Party filed an unfair labor practice charge against the Respondent. The Board found probable cause to believe a violation had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to unfair labor practice mediation.

The Respondent filed the "Respondent's Motion to Accept Proffer of Settlement and Dismiss Probable Cause Finding." In the motion, the Respondent asserted that it proffered a settlement to the Charging Party that "would substantially remedy the unfair labor practice that was charged." The Charging Party filed a memorandum contra the Respondent's motion.

The "clear and unambiguous" language in O.R.C. § 4117.12(B) requires the Board to issue a complaint and conduct a hearing concerning an unfair labor practice charge if, following an investigation of the charge, the Board has probable cause to believe that an unfair labor practice has occurred. This statutory language does not give the Board discretion to dismiss the charge where a substantial remedy, or even a complete remedy, has been proffered.

Board Member Verich moved that the Board deny the "Respondent's Motion to Accept Proffer of Settlement and Dismiss Probable Cause Finding." Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 04-ULP-09-0534 Carl Green, Kelly Hennen, and Monica Carlock v. City of Columbus, Health Department

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 Parties for filing a grievance. Information gathered during the investigation revealed the discipline received was for reasons other than engaging in protected activities. Additionally, Ms. Carlock did not demonstrate any harm. 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 __

2. Case 04-ULP-06-0368 Youngstown State University Association of Classified Employees, OEA/NEA v. Youngstown State University

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally reassigning bargaining-unit work to nonbargaining-unit employees. Information gathered during the investigation revealed the work was not exclusive to the bargaining unit, and the Charging Party knew of the change in February 2004. 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-10-0551 Columbus Education Association, OEA/NEA v. Columbus City School District Board of Education

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (2) by attempting to interfere with the Charging Party's right to communicate to its members. Information gathered during the investigation revealed no evidence existed showing that the Charged Party was responsible for the letter. 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 __

4. Cases 04-ULP-08-0472 Timothy M. Shockcor v. Fraternal Order of Police, Capital City Lodge #9

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(6) by failing to represent the Charging Party during the grievance process, and failing to take his grievance to arbitration. Information gathered during the investigation revealed the Charged Party did take the basic and required steps in representing the Charging Party. Additionally, the action of not taking the grievance to arbitration was not arbitrary, discriminatory, or in bad faith. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion and stated she thought also there were some civil rights issues in this case. Chairman Drake called for the vote.

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

5. Case 04-ULP-10-0590 Ohio Council 8, American Federation of State, County and Municipal Employees, Local 2191, AFL-CIO v. City of Columbus, Health Department

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (7) by not allowing the Charging Party's representative to sit in on employee meetings. Information gathered during the investigation revealed the meetings did not involve investigatory interviews that might lead to discipline.

Additionally, the Charging Party had failed to provide information to show that an Ohio Revised Code § 4117.11(A)(7) violation occurred. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that unfair labor practices have 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 __

6. Case 04-ULP-10-0591 Ohio Council 8, American Federation of State, County and Municipal Employees, Local 2191, AFL-CIO v. City of Columbus, Health Department

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (7) by continuing an investigation beyond the time limit required by the parties' agreement. Information gathered during the investigation revealed no evidence existed that the investigation went past thirty days. 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 __

7. Case 04-ULP-10-0592 Ohio Council 8, American Federation of State, County and Municipal Employees, Local 2191, AFL-CIO v. City of Columbus, Health Department

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (8) by requiring the Charging Party's representatives to receive permission before contacting bargaining-unit employees. Information gathered during the investigation revealed the requirement for prior approval before contacting bargaining-unit employees is contained in the contract, and the matter is strictly contractual. Additionally, the Charging Party has failed to provide information to show that an Ohio Revised Code § 4117.11(A)(1) 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 __

8. Case 04-ULP-12-0695 Erie County Board of MR/DD Employees Association, OEA/NEA v. Erie County Board of Mental Retardation and Developmental Disabilities

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by refusing to negotiate with the Charging Party's designated representatives. Information gathered during the investigation revealed the Charged Party may have been bargaining in bad faith when it refused to negotiate with the Charging Party's designated representatives. 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) and (5) by refusing to negotiate with the Charging Party's designated 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-12-0716 Celina City School District Board of Education v. Celina Education Association, OEA/NEA

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(3) by bargaining in bad faith. Information gathered during the investigation revealed the teacher was not on the negotiations team, and her letter to a parent, who was on the Charging Party's negotiations team, did not rise to the level of a violation. No evidence was provided to show how the Charged Party initiated or sent the letter. 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 any discussion and stated that when she read the report in this case, she questioned the appropriateness of the letter sent to a parent, who was also a board member, but did not believe it violated Ohio Revised Code Chapter 4117. Chairman Drake called for the vote.

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

10. Case 04-ULP-10-0567 City of Lorain v. Fraternal Order of Police Lodge 3

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(3) by dealing directly with City Council on outstanding negotiation proposals. Information gathered during the investigation revealed the Charged Party did not deal directly with any Council member. The flyer was informational only and not considered a negotiation, and no ground rules had been established. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

11. Case 04-ULP-11-0660 Shirley Mills v. Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO, Local 1632

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11. Information gathered during the investigation revealed the Charging Party failed to provide a clear and concise statement of facts constituting an alleged violation of the statute. Vice Chairman Gillmor moved that the Board dismiss the charge without prejudice due to the Charging Party's failure to provide a clear and concise statement of the facts constituting the alleged violation. 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-11-0632 Katherine O'Keeffe v. Ravenna City School District Board of Education

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (3) by restraining, coercing, and discriminating against the Charging Party when she was transferred from her current position in retaliation for her exercising guaranteed rights. Information gathered during the investigation reveals the discipline and transfer were for reasons other than the Charging Party 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 __

13. Case 04-ULP-09-0529 Cincinnati Federation of Teachers v. Cincinnati Public Schools Board of Education

Vice Chairman Gillmor moved that the Board remand this case to the Investigations Section for further investigation. 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-09-0532 Union-Scioto Local School District Board of Education v. Union-Scioto Education Association, OEA/NEA and Cathy White

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(B)(1), (2), and (3) by failing to adhere to the parties' grievance procedure and unilaterally insisting upon processing a grievance to arbitration. Information gathered during the investigation reveals the Charged Parties had officially advised that they were not pursuing the grievance, but Cathy White was continuing to try to arbitrate it. The Charged Parties were outside the grievance timelines to reconsider and attempt to arbitrate the matter. The Charged Parties' actions should be addressed in a hearing. 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(B)(1), (2), and (3) by failing to adhere to the language of the parties' grievance procedure and unilaterally insisting upon allowing an individual to process a grievance to arbitration, 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-09-0538 Union-Scioto Education Association, OEA/NEA and Cathy White v. Union-Scioto Local School District Board of Education

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (2) by refusing to permit a grievance to proceed to arbitration. Information gathered during the investigation reveals the Charging Parties had officially notified the Charged Party they were not going to arbitrate the grievance, and were out of time to arbitrate the matter, but Cathy White insisted on proceeding to arbitration. The Charged Party was acting on the Charging Parties' last official notification. 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-07-0403 Ohio Patrolmen's Benevolent Association v. Auglaize County Sheriff

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally changing the employees' right to trade work hours or shifts. Information gathered during the investigation reveals the matter is contractual, and no statutory violation is evident. 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 the motion. Chairman Drake called for the vote.

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

17. Cases 04-ULP-11-0635 James E. Klima, Sr., v. Ohio Patrolmen's Benevolent Association and Kevin Powers

04-ULP-11-0636 James E. Klima, Sr. V. Ohio Patrolmen's Benevolent Association and Fred Yungbluth

The unfair labor practice charges alleged the Charged Parties have violated Ohio Revised Code § 4117.11(B)(1) and (6) by failing to file a grievance. Information gathered during the investigation reveals the Charging Party was notified that he did not have a "grievance" as defined by the collective bargaining agreement, and he could have filed a grievance on his own. No information was provided to demonstrate the Charged Parties' actions were 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 __

18. Case 04-ULP-07-0389 Dawn D. Roach v. Bowling Green Municipal Employees Association, Inc.

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(6) by refusing to process the Charging Party's grievance. Information gathered during the investigation reveals the Charged Party took the basic and required step in a timely manner and notified the Charging Party it would not take her grievance further since no contract violation occurred. The Charging Party could have taken the grievance further, but did not. The Charged Party's actions were not arbitrary, discriminatory, or in bad faith. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

19. Case 04-ULP-07-0391 Ida Robinson-Blackburn, et al. v. International Brotherhood of Teamsters, Local 407

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(1), (3), and (6) by failing to process the Charging Parties' grievance. Information gathered during the investigation reveals the Charged Party's action of marking the grievance as having no merit before submitting it to the Employer restrained the Charging Parties in having the grievance adjusted. The Charged Party's actions were also arbitrary, discriminatory, or in bad faith. No information was provided to support the Ohio Revised Code § 4117.11(B)(3) violation. 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(B)(1) and (6), but not (3), by failing to fairly represent and restraining the Charging Parties in processing the grievance, 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 __

20. Case 04-ULP-09-0452 Fraternal Order of Police, Ohio Labor Council, Inc. v. City of Ontario

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally changing meal periods and implementing a meal location restriction. Information gathered during the investigation reveals the meal-time subject is contractual, and the issue on restricting meal locations does not violate 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 __

21. Case 04-ULP-07-0399 Mary Ann Smathers v. Atco Beacon Education Association, OEA/NEA and Gloria Whipple

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(B)(6) by failing to fairly represent the Charging Party. Information gathered during the investigation reveals the Charging Party was fairly represented, she was permitted to provide input into the negotiations, and the Charged Parties did not have an obligation to entertain suggestions from management on bargaining-team composition. No information was provided to show the Charged Parties' actions were arbitrary, discriminatory, or in bad faith. The allegations of events occurring prior to April 13, 2004, are untimely filed. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe than an unfair labor practice has been committed by the Charged Parties and as untimely filed for events occurring on or before April 13, 2004. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

22. Case 04-ULP-07-0418 — Ohio Turnpike Commission v. International Brotherhood of Teamsters, Local 436

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(1), (3), and (5) by the Charged Party's business agent threatening a Charging Party supervisor trying to enforce the collective bargaining agreement. Information gathered during the investigation reveals the Charged Party violated the statute by refusing to grieve its interpretation of the collective bargaining agreement, by continuing to visit the tollbooths, and acting in an abusive manner when the Charging Party attempted to enforce the agreement. 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(B)(3) and (5), but not (1), by the Charged Party's business representative visiting the Charging Party's toll collection booths, reacting in an abusive manner while refusing to comply with the supervisor's direction to comply with the collective bargaining agreement, interfering with the Charging Party's supervisor in the performance of his/her duties, and not grieving its interpretation of the agreement. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

23. Cases 04-ULP-09-0490 — International Brotherhood of Teamsters Local 20 v. Sylvania Township, Lucas County

04-ULP-10-0556 — International Brotherhood of Teamsters Local 20 v. Sylvania Township, Lucas County

24. Case 04-ULP-11-0655 — Todd A. Strouse v. Cuyahoga County Board of Commissioners

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

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

25. Case 04-ULP-11-0621 — Dayton City School District Board of Education v. Dayton Education Association, OEA/NEA

26. Case 05-ULP-01-0030 — National Conference of Firemen and Oilers Local 100 v. Akron City School District Board of Education

27. Case 05-ULP-01-0026 City of Toledo v. International Brotherhood of Teamsters, Local 20, Refuse Collectors

Board Member Verich moved that the Board construe the letters and notices 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 __

28. Case 04-ULP-07-0385 Salem City School District Board of Education v. Salem Education Association

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(2), (3), and (6) by failing to negotiate supplemental coaching compensation, and by dealing directly with individual board members. Information gathered during the investigation reveals the Charged Party's President did visit each Board member and gave them a letter to influence their vote while negotiations were still on the table. No information was provided to support an Ohio Revised Code § 4117.11(B)(2) or (6) violation occurred. 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(B)(3), but not (2) and (6), by directly dealing with individual Board members prior to the Board meeting to influence their votes, 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 __

29. Case 04-ULP-09-0535 Salem Education Association v. Salem 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 in good faith over mandatory subjects of bargaining by engaging in direct dealing at a public meeting. Information gathered during the investigation reveals the Charged Party answering questions of a Board member at a public meeting is not bypassing the representative. 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 __

30. Case 04-ULP-07-0407 Jon C. Hobbs v. Service Employees International Union, District 1199

Vice Chairman Gillmor moved that this case be tabled to the next meeting on March 17, 2005. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

31. Cases 04-ULP-08-0442 Scioto Valley Local Teachers' Association, OEA/NEA v. Southeastern Local School District Board of Education

04-ULP-09-0509 Scioto Valley Local Teachers' Association, OEA/NEA v. Southeastern Local School District Board of Education

The unfair labor practice charges alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally removing a position from the bargaining unit and contracting out bargaining-unit work. Information gathered during the investigation reveals the Charged Party did not bargain the contracting out of bargaining-unit work. 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 Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally contracting out bargaining-unit work, 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 __

32. Case 04-ULP-10-0596 Jean Sandifer v. Jerry Huffman

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. Information gathered during the investigation reveals the Charging Party was not engaged in any protected activity with the Employer's knowledge and was also alleging gender discrimination. 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 __

33. Case 04-ULP-07-0428 Massillon FOP Henderson Lodge Police Officer's Association v. City of Massillon

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (3) by threatening and then implementing layoffs based on the Charging Party's refusal to participate in midterm bargaining. 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 threatening and then implementing layoffs based on the Charging Party's refusal to reopen negotiations on an existing contract, 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 __

34. Case 04-ULP-08-0443 Dolores M. Eynon v. St. Clairsville-Richland City School District Board of Education

Vice Chairman Gillmor moved that the Board grant the motion to withdraw the charge with prejudice. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

35. Case 04-ULP-10-0582 Defiance City Education Association, OEA/NEA v. Defiance 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 retaliating against Daniela McAfee for her exercising guaranteed rights. Information gathered during the investigation reveals the Charged Party reassigning teachers to the fifth-period conference time did not result in harm or prevent Ms. McAfee from performing union duties at another time. 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 __

36. Case 04-ULP-10-0600 Catherine C. Smith v. Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and its Local 158

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(B)(6) by failing to fairly represent the Charging Party. Information gathered during the investigation reveals the Charging Party did not take the civil service exam to increase her bumping rights. The Charged Parties' actions were not arbitrary, discriminatory, or in bad faith, and the charge is untimely filed. 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 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 __

37. Case 04-ULP-11-0625 River Valley Local School District Board of Education v. River Valley Employees Association, OEA/NEA

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(3) by sending postcards signed by officers, negotiating-team members, and families and friends of bargaining-unit members to board members. Information gathered during the investigation reveals the postcards did not contain any negotiation specifics or proposals. 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 __

38. Case 04-ULP-12-0669 River Valley Employees Association, OEA/NEA v. River Valley Local School District Board of Education

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by directly contacting a bargaining-unit employee regarding ongoing negotiations. Information gathered during the investigation reveals no specific proposals or an attempt to bargain were made. 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 __

39. Case 04-ULP-03-0169 — United Steelworkers of America, Local 9187 v. Stark County Department of Job and Family Services

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

41. Case 04-ULP-05-0258 — Johnnye Warnsley v. Toledo Federation of Teachers

Board Member Verich moved that the Board construe the requests for reconsideration as motions for reconsideration and deny 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 __

42. Case 04-ULP-11-0614 — Laborers' International Union, Local 860, AFL-CIO v. City of Lyndhurst

The Charging Party filed an unfair labor practice charge alleging the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally deducting wages from employees paychecks and changing the past practice of paying wage premiums to employees on paid leave. The Charged Party filed a motion to dismiss or defer the matter to arbitration. The parties filed a joint motion to defer the charge to arbitration or, in the alternative, to stay the investigation pending the outcome of the arbitration. Vice Chairman Gillmor moved that the Board grant the parties' motion to defer the matter to resolution through the grievance-arbitration procedure, retain jurisdiction in accordance with *In re Upper Arlington Ed Assn*, SERB 92-010 (6-30-02), and deny the Charged Party's motion as moot. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

43. Cases 04-ULP-11-0663 — Summit County Sheriff v. Summit County Sheriff's Supervisor's Association

04-ULP-11-0664 Summit County Sheriff v. Fraternal Order of Police, Lodge 139

On December 17, 2004, the Board construed the Charging Party's request to withdraw the unfair labor practice charge as a motion to withdraw and granted the motion with prejudice. On December 27, 2004, amended charges were filed indicating a different Charging Party. On January 21, 2005, the Summit County Executive Office filed timely motions for reconsideration. The amended charges changing the Charging Party's name were filed after the Board granted the motion to withdraw the charges. Based on the timing of the events, denying the motions for reconsideration is appropriate. Board Member Verich moved that the Board deny the motions for reconsideration. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

44. Case 04-ULP-12-0711 Pleasant Township Professional Firefighters Association, Local 2937, IAFF v. Pleasant Township Board of Trustees, Franklin County

Vice Chairman Gillmor moved that the Board construe the Charging Party's letter as a motion to withdraw and grant the motion with prejudice. 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

Board Member Verich moved that the Board go into executive session pursuant to Ohio Revised Code § 121.22(G)(1) to discuss pending litigation with legal counsel. 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 __

Vice Chairman Gillmor moved that the Board exit from executive session. 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 __

Budget Testimony

Chairman Drake stated a draft of the testimony before the House Agriculture and Development Subcommittee was distributed to the Board Members on Wednesday, March 2, 2005, and asked for their comments by Monday, March 7, 2005.

Filling Customer Service Assistant 1 Position

Chairman Drake stated that Tina McNeal's last day is Friday, March 4, 2005. The temporary employee, Bobby Dandridge, is assigned to the Clerk's Office while the agency follows civil service procedures to hire a replacement for Ms. McNeal's position.

Status of Health Care Cost Survey

Chairman Drake stated that the data has been entered into the system. Cheri Alexander, Research and Training's Administrator, is meeting with OSU Statistical Department representatives on Monday, March 7, 2005, to oversee number crunching for the final report. The report is expected to be issued this month.

Operation Feed Events

Chairman Drake stated that a lot of activities are being planned for Operation Feed at the agency. The agency did well last year, and she is sure it will do just as well again. Right now activities planned are on March 17, 2005, which is St. Patrick's Day, for a luncheon and on April 7, 2005, for an ice cream social.

SERB Academy

Chairman Drake mentioned that the SERB Academy is in progress today and Friday, March 4, 2005. There are about 95 registrants in addition to the SERB staff.

VIII. 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

Carol Nolan Drake, Chairman