

STATE EMPLOYMENT RELATIONS BOARD

STATE OF OHIO

MINUTES

The State Employment Relations Board met on Thursday, May 5, 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 table the approval of the minutes for the April 21, 2005 meeting. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

Board Member Verich moved that the Board approve the amendment of the minutes for the January 13, 2005 meeting by correcting the discussion under Unfair Labor Practice Matters item 19 to read as follows: "The noncompliance complaint alleges that the Employee Organization violated Ohio Revised Code § 4119.11(C)(1) and (4) by failing to allow him access to fully examine the Employee Organization's accounts and records for the past 10 years and not being afforded an equal right to run for office. The investigation reveals the Complainant was granted immediate access to records readily available and then offered to view the remaining records on two separate occasions. The Employee Organization notified the Complainant why he was ineligible to run for Union office. The Employee Organization is in compliance. Board Member Verich moved that the Board find the Employee Organization to be in compliance and dismiss the complaint." Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

Vice Chairman moved that the Board approve the amendment of minutes for the March 3, 2005 meeting by correcting the motion in Unfair Labor Practice Matters item 33 to allege "the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3)" and by correcting the case number for Unfair Labor Practice Matters item 41 to read 04-ULP-05-0257. 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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Board Member Verich moved that the Board approve the amendment of minutes for the March 17, 2005 meeting by correcting the case number for Representation Matters item 13 to read 04-REP-07-0131. Vice Chairman Gillmor 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. Closing 118 Mediation cases

Vice Chairman Gillmor moved that the Board close 118 Mediation cases beginning with Case 01-MED-10-1011 and ending with Case 03-MED-09-0876, not consecutively numbered. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
 Affirmed X Denied

III. REPRESENTATION MATTERS AT ISSUE:

- | | | | |
|----|-------|----------------------------------|---|
| 1. | Case | 04-REP-12-0227 | <u>Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Lodge 15 and City of Parma</u>
May 18, 2005 |
| 2. | Cases | 04-REP-11-0206
04-REP-11-0207 | <u>Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Prairie Township, Franklin County</u>
May 19, 2005 |
| 3. | Case | 04-REP-12-0219 | <u>Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Capital City Lodge #9 and Columbus Regional Airport Authority</u>
May 20, 2005 |

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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4. Case 05-REP-03-0031 Fraternal Order of Police, Ohio Labor Council, Inc. and Monroe County Sheriff

The Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The parties have jointly filed a Petition for Amendment of Certification seeking to merge three existing units. The parties have confirmed that the Sergeants, Correction Officers, and non-deputized Dispatchers are now Deputies. The proposed amendment is appropriate. Vice Chairman Gillmor moved that the Board approve the jointly filed petition and amend 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

5. Case 05-REP-02-0020 Victor L. Wright and Fraternal Order of Police, Ohio Labor Council, Inc., and Clinton County Sheriff's Office

The Petitioner filed a Petition for Decertification Election seeking to decertify the Employee Organization, which is the Board-certified exclusive representative of certain employees of the Employer. The Employee Organization responded by filing a position statement requesting that the Board dismiss the petition and asserting service was not complete. The Petitioner maintained that the service was complete. All parties were contacted to set a date, time, and place for the election, but the Employee Organization was not willing to consent to an election.

A copy of the Petition for Decertification Election accompanied the initial letters mailed to the Employer and Employee Organization. The Employee Organization received a copy of the petition, and it had an opportunity to file its objections, if any, to the petition's merits. The showing of interest was sufficient.

Board Member Verich moved that the Board deny the Employee Organization's request to dismiss the Petition for Decertification Election, and direct an election 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 the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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6. Cases 01-REP-06-0143 Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO and State of Ohio
01-REP-06-0145
01-REP-06-0147

On April 7, 2005, the Board dismissed without prejudice the Petitions for Clarification of Bargaining Unit because clarification was not the appropriate vehicle to alter the existing bargaining units. On April 13, 2005, the Employer filed a Motion to Stay the investigation of the three Petitions for Amendment of Certification in Cases 01-REP-06-0142, 01-REP-06-0144, and 01-REP-06-0146. On April 25, 2005, the Employee Organization filed a motion for Extension of Time to File Memorandum Contra Motion to Stay in these three cases and in the three cases involving the amendment petitions.

Vice Chairman Gillmor moved that the Board deny the Employee Organization's Motion for Extension of Time to File Memorandum Contra Motion to Stay in Case Nos. 01-REP-06-0143, 01-REP-06-1045, and 01-REP-06-0146 because the Board dismissed these cases on April 7, 2005. Board Member Verich seconded the motion. Chairman Drake called for any discussion and asked if there was any effect on the three remaining cases, 01-REP-06-0142, 01-REP-06-0144, and 01-REP-06-0146. Labor Relations Specialist Dory McClendon replied that there was no effect on the remaining cases. Chairman Drake called for the vote.

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

7. Case 04-REP-09-0157 Ohio Patrolmen's Benevolent Association and City of Nelsonville
(Part-Time Patrol)

- There was 1 ballot cast
- There were 0 challenged ballots
- No Representative received 0 votes
- Ohio Patrolmen's Benevolent Association received 1 vote and prevailed in this election.

8. Case 04-REP-09-0154 Fraternal Order of Police, Ohio Labor Council, Inc. and Miami University

- 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 prevailed in this election.

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9. Case 04-REP-09-0162 Euclid Corrections Officer Association (ECO) and Fraternal Order of Police, Ohio Labor Council, Inc. and City of Euclid
- There were 17 ballots cast
 - There were 0 challenged ballots
 - No Representative received 0 votes
 - Fraternal Order of Police, Ohio Labor Council, Inc. received 0 votes
 - Euclid Corrections Officer Association (ECO) received 17 votes and prevailed in this election.
10. Case 04-REP-09-0158 Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and Ashtabula County Sheriff
- There were 7 ballots cast
 - There were 0 challenged ballots
 - No Representative received 0 votes
 - Ohio Patrolmen's Benevolent Association received 0 votes
 - Fraternal Order of Police, Ohio Labor Council, Inc. received 7 votes and prevailed in this election.
11. Case 04-REP-09-0173 Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and City of Ravenna
Records Supervisor/Computer Technician
- There was 1 ballot cast
 - There were 0 challenged ballots
 - No Representative received 0 votes
 - Ohio Patrolmen's Benevolent Association received 0 votes
 - Fraternal Order of Police, Ohio Labor Council, Inc. received 1 vote and prevailed in this election.
12. Case 04-REP-09-0174 Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and City of Ravenna
Dispatchers, Police Clerks,
Secretary/Dispatcher
- There were 7 ballots cast
 - There were 0 challenged ballots
 - No Representative received 0 votes
 - Ohio Patrolmen's Benevolent Association received 0 votes
 - Fraternal Order of Police, Ohio Labor Council, Inc. received 7 votes and prevailed in this election.

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13. Case 04-REP-09-0175
Patrolmen Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and City of Ravenna
- There were 13 ballots cast
 - There were 0 challenged ballots
 - No Representative received 0 votes
 - Ohio Patrolmen's Benevolent Association received 1 votes
 - Fraternal Order of Police, Ohio Labor Council, Inc. received 12 votes and prevailed in this election.
14. Case 04-REP-09-0176
Sergeants and Lieutenants Fraternal Order of Police, Ohio Labor Council, Inc. and Ohio Patrolmen's Benevolent Association and City of Ravenna
- There were 6 ballots cast
 - There were 0 challenged ballots
 - No Representative received 0 votes
 - Ohio Patrolmen's Benevolent Association received 0 votes
 - Fraternal Order of Police, Ohio Labor Council, Inc. received 6 votes and prevailed in this election.
15. Case 04-REP-07-0120 Chauffeurs, Teamsters, Warehousemen and Helpers, Local Union No. 377 and Bazetta Township, Trumbull County
- There were 6 ballots cast
 - There were 0 challenged ballots
 - No Representative received 0 votes
 - Chauffeurs, Teamsters, Warehousemen and Helpers, Local Union No. 377 received 6 votes and prevailed in this election.
16. Case 04-REP-06-0098 International Brotherhood of Teamsters Local 114, AFL-CIO and City of Franklin
- There were 20 ballots cast
 - There were 0 challenged ballots
 - No Representative received 7 votes
 - International Brotherhood of Teamsters Local 114, AFL-CIO received 13 votes and prevailed in this election.

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17. Case 04-REP-06-0108 Ohio Patrolmen's Benevolent Association and City of Kent

- There were 6 ballots cast
- There were 0 challenged ballots
- No Representative received 0 votes
- Ohio Patrolmen's Benevolent Association received 6 votes and 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

18. Case 05-REP-02-0025 Greenville Water, Wastewater and Water Distribution Employees Association and City of Greenville

The Employee Organization is the deemed-certified exclusive representative of certain employees of the Employer. The Employee Organization filed a Petition for Amendment of Certification seeking to reflect affiliation with the International Union of Operating Engineers Local 20. In support of the petition, the Employee Organization provided information verifying that the requisite standards have been met. Appropriate internal union procedures have been followed, and the substantial continuity still exists. No question of representation is pending. The Employer has filed a position statement that it does not object to the affiliation. Vice Chairman Gillmor moved that the Board approve the Petition for Amendment of Certification and amend 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

19. Case 04-REP-10-0188 Teamsters Local Union No. 377 and Mahoning County Department of Job and Family Services/Mahoning County Commissioners

The Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The Employer filed a Petition for Amendment of Certification seeking to amend the existing unit to exclude Staff Attorneys. The Employee Organization filed a position statement opposing the amendment and requesting an oral argument. The Employer filed a response asking SERB to look at Ohio Revised Code § 4117.01(C)(19) as it exists today, and how it applies to the employees in question. The Employee Organization filed a reply questioning the timing of the Employer's petition. The Employer filed a response stating the parties' collective bargaining agreement expired June 30, 2003, and timing is irrelevant.

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Nothing prohibits the Employer from filing the instant petition. Ohio Revised Code § 4117.01(C)(19) clearly excludes employees who must be licensed to practice law in this state to perform their duties as employees. From the position descriptions of the employees in question, it appears that a law degree is a required qualification.

Board Member Verich moved that the Board deny the Employee Organization's request for oral argument, approve the Employer's Petition for Amendment of Certification, and amend the unit accordingly. Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion and asked about a related court case involving the Ohio Civil Service Employees Association that challenges the statutory provision. General Counsel Russ Keith stated that the case is still pending in the Ohio Supreme Court. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
 Affirmed X Denied

20. Case 04-REP-10-0186 International Union, United Automobile Aerospace, Agricultural Implement Workers of America, UAW and City of Rossford

The Employee Organization filed an amended Request for Recognition seeking to represent certain employees of the Employer. The substantial evidence was sufficient. The Employer responded by filing objections. Several conference calls were conducted. The parties did not reach an agreement concerning an appropriate bargaining unit. On April 7, 2005, the case was directed to hearing to determine an appropriate bargaining unit and for all other relevant issues, and the parties were directed to mediation. As a result of mediation, the Employer withdrew its original objections.

Vice Chairman Gillmor moved that the Board construe the Employer's withdrawal as a motion to withdraw the objections, grant the motion, and certify the Employee Organization as the exclusive representative of all employees in the bargaining unit. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
 Affirmed X Denied

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V. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. 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

On August 3, 2004, the Employee Organization filed a Request for Recognition seeking to represent certain employees of the Employer. The Employer filed objections and a motion to dismiss or, in the alternative, to supplement its objections. The Employee Organization filed a response in opposition to the motion. On February 10, 2005, SERB directed the case to hearing to determine an appropriate bargaining unit and for all other relevant issues, and directed the parties to mediation. On March 3, 2005, the Board denied the Employer's motion to dismiss, but granted the alternative motion allowing the Employer to supplement its objections.

On February 28, 2005, the Employer filed a motion for reconsideration of the direction to hearing. The Employee Organization did not file a response to the motion. Board Member Verich moved that the Board deny the motion for reconsideration. Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion and asked if there was a problem or error in the directive that was issued or a misunderstanding. General Counsel Keith replied no, and that he felt the issues had already been addressed earlier. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

2. Case 04-ULP-06-0360 Randall B. Foutty v. Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 268

3. Case 04-ULP-07-0387 Springdale Professional Fire Fighters, Local 4027, IAFF v. City of Springdale

Vice Chairman Gillmor moved that the Board approve and adopt the settlement agreements, construe the settlement agreements as motions to dismiss, grant all motions, and dismiss with prejudice the unfair labor practice charges. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 04-ULP-12-0707 Ohio Patrolmen's Benevolent Association v. Toledo-Lucas County Port Authority

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by circumventing the Charging Party's designated representative when it executed a last chance agreement with Officer Justin Baumhower. Information gathered during the investigation revealed Officer Baumhower did have representation at the hearing and had time to review the document prior to signing. The Charging Party did not have an opportunity to review the last chance agreement, and did not find out about it until several months later. 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 failing to bargain the effects of the last chance agreement with the Charging Party because it changed the terms and conditions of Officer Baumhower's employment, dismiss the Ohio Revised Code § 4117.11(A)(1) allegation as it pertains to the lack of representation, 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

2. Case 04-ULP-11-0658 International Brotherhood of Teamsters, Local 407 v. Cleveland City School District Board of Education

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (5) by violating the agreement when it unilaterally laid off 130 bus drivers and attendants. Information gathered during the investigation revealed contractual interpretation lies at the center of the grievance and the unfair labor practice charge. Vice Chairman Gillmor moved that the Board defer the matter for resolution through grievance-arbitration procedure and retain jurisdiction in accordance with *In re Upper Arlington Ed Assn*, SERB 92-010 (6-30-92). Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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3. Case 04-ULP-12-0683 Ted M. Baer v. Service Employees International Union, District 1199

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by failing to represent the Charging Party. Information gathered during the investigation revealed the Charging Party did not file, nor was he a party to, the 2003 grievance. The decision to change the Charging Party's seniority was based on the Charged Party's interpretation of Article 28 of the collective bargaining agreement. No information was provided to demonstrate the Charged Party's actions were 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

4. Case 04-ULP-11-0631 Ohio _____ Patrolmen's _____ Benevolent Association v. Portage County Sheriff

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (5), and (7) when the Charged Party made a statement during contract negotiations that interfered with the Charging Party obtaining contractual provisions requiring the Charged Party to provide work for Courthouse Deputies on days when the courthouse was closed. Information gathered during the investigation revealed the issue is a contractual interpretation matter and not a statutory violation. The allegation regarding the 2003 comment during fact finding was 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 Party and as untimely filed regarding the December 2003 statement. 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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5. Case 04-ULP-12-0709 Portage County Educators Association for the Mentally Retarded, OEA/NEA v. Portage 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), (2), (3), and (5) by assigning bargaining-unit work to nonbargaining-unit employees, unilaterally eliminating breaks in violation of the contract, and directly dealing with bargaining-unit members. Information gathered during the investigation revealed the Charged Party corrected its action of assigning bargaining-unit work when asked to by the Charging Party. The Charged Party started enforcing the breaks in accordance with the contract, which is not a violation of the statute. The Charged Party's memorandum to the members, bypassing the Charging Party, disparaged the Charging Party and encouraged members to deal with the Charged Party directly. No information was provided to support the Ohio Revised Code § 4117.11(A)(3) allegation. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), and (5), but not (3), by dealing directly with bargaining-unit members in a memorandum regarding the use of substitutes. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

6. Case 05-ULP-01-0005 Jerry Jaeger v. Northwest Local School District Board of Education

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(5) and (8) by threatening bargaining-unit members about using sick leave, and inducing the Union to become a partner in the threat. Information gathered during the investigation revealed the Charging Party is not a union member, and does not have knowledge of the Union's activities. The Union negotiated and ratified the guidelines published. The Charging Party failed to provide information to show that an Ohio Revised Code § 4117.11(A)(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

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7. Case 05-ULP-01-0006 Jerry Jaeger v. Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 230

The unfair labor practice charge alleged the Charged Parties violated Ohio Revised Code § 4117.11(B)(2) and (6) by failing to represent employees who are not members of the Charged Party when it ratified new attendance guidelines. Information gathered during the investigation revealed the Charged Parties discussed the guidelines with the union membership and negotiated an absentee policy that treats all bargaining-unit employees equally. No information was provided to show the Charged Parties actions were 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 Parties. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

8. Case 05-ULP-01-0008 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO v. Edison Local School District Board of Education

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (5), (6), and (8) by bargaining in bad faith when the Charged Party proposed to dismiss some grievances in exchange for concessions on another grievance. Information gathered during the investigation revealed no threat or coercion in the Charged Party's offer regarding the grievances. The grievances were processed pursuant to the grievance-arbitration process. The Charging Party failed to provide information to show that an Ohio Revised Code § 4117.11(A)(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

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9. Case 05-ULP-01-0010 National Conference of Firemen and Oilers, Local 777 v. Cleveland City School District Board of Education

The unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (3), (5), and (8) by violating a verbal agreement not to make a verbatim record of an investigative interview, denying union representation, and providing a member with information upon the waiver of his right to representation. Information gathered during the investigation revealed Mr. Charles Stanley had representation at the interview, and the Charging Party stopped the interview. The Charging Party failed to provide information to show that Ohio Revised Code § 4117.11(A)(3), (5), or (8) violations occurred. 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

10. Case 05-ULP-01-0019 Kelly Kavicky, Linette Davis, Melissa Ritts, Nehemiah Chambers, and Cheryl Campbell v. Fraternal Order of Police, Ohio Labor Council, Inc., Frank Arnold, et al.

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(B)(1), (3), and (6) by failing to bargain collectively for wages, and by coercing members to accept low wages. Information gathered during the investigation reveals the Charged Parties negotiated with the Employer. A tentative agreement has been presented to the membership for ratification and has been voted down. The Employer and the Charged Parties are in mediation. The Charged Parties have taken the necessary steps in the negotiation process. No information has been provided to show the Charged Parties' actions were arbitrary, discriminatory, or in bad faith, or that an Ohio Revised Code § 4117.11(B)(1) or (3) violation occurred. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Parties. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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11. Cases 05-ULP-01-0023 Summit County Executive Office v. Summit County Sheriff's Supervisors Association
- 05-ULP-01-0024 Summit County Executive Office v. Fraternal Order of Police, Lodge No. 139

The unfair labor practice charges allege the Charged Parties have violated Ohio Revised Code § 4117.11(B)(1), (2), and (3) by failing to bargain with the employer's designated legal representative, attempting to have the Summit County Sheriff take sides in a rival petition for representation, and attempting to negotiate with the Summit County Sheriff during a stay of negotiations. Information gathered during the investigation reveals the notice to negotiate was served on the Employer. The parties have entered into negotiations. The Summit County Sheriff's Supervisors Association continues to negotiate, but a stay has been instituted between the Fraternal Order of Police and the Charging Party. No information has been provided to support an Ohio Revised Code § 4117.11(B)(1) or (2) violation occurred. Board Member Verich moved that the Board dismiss the charges with prejudice for lack of probable cause to believe that unfair labor practices have been committed by the Charged Parties. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

12. Case 05-ULP-01-0007 Ohio Patrolmen's Benevolent Association v. Olmsted Township, Cuyahoga County

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally changing the schedules of the bargaining-unit employees. Information gathered during the investigation reveals the parties had already negotiated the issue of scheduling, the matter was strictly contractual, and no grievance was 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 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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13. Case 04-ULP-10-0575 Highland Support Staff Association, OEA/NEA v. Highland Local 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 (5) by interfering with employee rights and disciplining two employees for engaging in protected activities. Information gathered during the investigation reveals the matter is contractual and has been handled through the parties' grievance-arbitration process. No information was provided to support an Ohio Revised Code § 4117.11(A)(5) violation occurred. 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

14. Case 05-ULP-03-0164 Terri A. Yurczak v. Arabica Coffee House and Kim McClamy

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(A)(1) by terminating the Charging Party. Information gathered during the investigation reveals the Board lacks jurisdiction as the Charging Party is not a public employee, and the Charged Parties are not public employers. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of jurisdiction. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

15. Case 05-ULP-02-0099 Regina A. Russell v. University of Toledo

16. Case 05-ULP-02-0100 James Sidelka v. City of Cleveland

Board Member Verich moved that the Board dismiss the charges without prejudice because the Charging Parties failed 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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17. Cases 04-ULP-09-0525 David Jaworski v. Greater Cleveland Regional Transit Authority
- 04-ULP-09-0526 David Jaworski v. Amalgamated Transit Union, Local 268

In Case 04-ULP-09-0525, the unfair labor practice charge alleged the Charged Party violated Ohio Revised Code § 4117.11(A)(5) and (6) by refusing to bargain. In Case 04-ULP-09-0526, the charge alleged the Charged Party violated Ohio Revised Code § 4117.11(B)(2) and (3) by not advising the Charging Party of his grievance status or bargaining on his behalf. Information gathered during the investigations revealed the charges were untimely filed. Vice Chairman Gillmor moved that the Board dismiss the charges with prejudice as untimely filed. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

18. Case 04-ULP-09-0530 Darrell M. Montavon v. Ohio Civil Service Employees Association, AFSCME Local 6550, AFL-CIO

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(6) by not fairly representing the Charging Party, by recognizing the arbitrator's decision, and by refusing to file grievances. Information gathered during the investigation reveals the grievances were filed over a contractual violation, which ended in an arbitrator's decision that demoted the Charging Party. The Charging Party could have filed a grievance on his own after the Charged Party refused to file the grievance. The Charged Party enforcing the contract for all bargaining-unit employees is not a violation. No information was provided to show the Charged Party's actions were 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

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19. Case 04-ULP-11-0627 Warren County Vocational School Teachers Association v. Warren County Vocational School District

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally changing the Truancy Officer job description and removing the position from a deemed-certified bargaining unit. Information gathered during the investigation reveals the Charged Party unilaterally transferred bargaining-unit work outside the bargaining unit, and removed the Truancy Officer position from the bargaining unit. 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 unilaterally changing the job description of Truancy Officer, and removing the position from a deemed-certified bargaining unit, 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 05-ULP-01-0037 Crestline Exempted Village School District Board of Education v. Crestline Education Association, OEA/NEA and Venita Shoulders

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(B)(3) by refusing to participate in fact finding. Information gathered during the investigation reveals both parties have different interpretations of the contract article on dispute resolution, which does not constitute bad-faith bargaining. 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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21. Case 04-ULP-09-0523 Kenneth E. Strickland v. City of Toledo

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (2), (3), (4), and (7) by denying the Charging Party FMLA approval, disciplining him on false charges, and denying him promotions. Information gathered during the investigation reveals the Charging Party was terminated for reasons other than exercising guaranteed rights. The charge is also 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 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

22. Case 04-ULP-09-0524 Kenneth E. Strickland v. Ohio Council 8, American Federation of State, County and Municipal Employees, Local 7, AFL-CIO

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(1), (3), and (6) by not filing a grievance over the Charging Party's termination, and not fully representing the Charging Party at his loss of seniority hearing resulting in his termination. Information gathered during the investigation reveals the Charging Party was advised that he had no appeal from the loss of seniority hearing, and he could have filed a grievance on his own. No information was provided to show the Charged Party's actions were arbitrary, discriminatory, or in bad faith. No information was provided to show an Ohio Revised Code § 4117.11(B)(1) or (3) violation occurred. The charge is also untimely filed. Board Member Verich 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 Party and 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

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23. Case 04-ULP-12-0701 Chesapeake Local Teachers Association, OEA/NEA and Larry Morgan v. Chesapeake Union Exempted Village School District

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (3) by discriminating against Larry Morgan in retaliation for his exercise of guaranteed rights. Information gathered during the investigation reveals the reasoning behind not hiring Mr. Morgan as the coach may be suspect and directing the matter to hearing is appropriate. 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) by failing to award Mr. Morgan the position of Head Girls Varsity Basketball Coach at the high school in retaliation for Mr. Morgan's 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

24. Case 05-ERC-03-0005 City of Canton v. Canton Police Patrolmen's Association

The noncompliance complaint alleged the Employee Organization has violated Ohio Revised Code § 4117.19(A), (B), and (C) by failing to file a registration report and financial statements since 1997, or a copy of its constitution and bylaws since 1998. Information gathered during the investigation reveals the Employee Organization is now in compliance. Board Member Verich moved that the Board dismiss the complaint with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

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25. Case 04-ULP-08-0483 Cleveland Police Patrolmen's Association v. City of Cleveland

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally assigning bargaining-unit work to nonbargaining-unit employees. Information gathered during the investigation reveals a grievance has been filed over the matter. The arbitral interpretation of the contract will resolve both the unfair labor practice and the contract interpretation issues. It is also noted that the Charged Party did not respond to the charge. Vice Chairman Gillmor moved that the Board defer the matter for resolution through the grievance-arbitration procedure and retain jurisdiction in accordance with *In re Upper Arlington Ed Assn*, SERB 92-010 (6-30-92). Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

26. Case 04-ULP-11-0622 Lima Education Association, OEA/NEA v. Lima 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 unilaterally implementing a Small Schools program and a new schedule associated with the program. Information gathered during the investigation reveals the matter is contractual, and statutory implications are evident. A grievance has been filed. Board Member Verich moved that the Board defer the matter for resolution through the grievance-arbitration procedure and retain jurisdiction in accordance with *In re Upper Arlington Ed Assn*, SERB 92-010 (6-30-92). 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-09-0539 Auglaize County Sheriff v. Ohio
Patrolmen's Benevolent Association

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(3) by attempting to obtain a change in working conditions compelled by law, and reneging on a settlement agreement by filing and pursuing a grievance to arbitration. Information gathered during the investigation reveals the Charged Party may be renegotiating an agreement through the grievance-arbitration process. Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(B)(3) by attempting to obtain a change on a settlement agreement by filing and pursuing William Nance's grievance to arbitration, 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

28. Case 05-ULP-01-0020 Robert Taylor v. Shaker Heights 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 discriminating against ten full-time drivers in retaliation for exercising guaranteed rights. Information gathered during the investigation reveals the Charging Party and the other bus drivers were not engaged in protected activities. The changes were a result of contract negotiations. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe 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

29. Case 04-ULP-01-0021 Robert Taylor v. National Conference of
Firemen and Oilers, Local 200, SEIU

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(6) by failing to fully represent the full-time bus drivers. Information gathered during the investigation reveals the Charged Party negotiated a new contract, which resulted in some changes. No information was provided, however, to show the Charged Party's actions were 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

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30. Case 05-ULP-03-0130 Professionals Guild of Ohio v. State of Ohio, Department of Rehabilitation and Correction – Management and Training Corporation, Lake Erie Correctional Institution

On March 3, 2005, the Charging Party filed an unfair labor practice charge alleging the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (2) by attempting to deal directly with employees while a petition for representation election is pending. On March 17, 2005, the Charged Party filed a motion to stay the investigation pending the completion of Case 04-REP-11-0212, which is addressing whether the employees are public employees and who is the Employer. The stay is appropriate. Board Member Verich moved that the Board grant the motion and stay the investigation pending a decision in Case 04-REP-11-0212. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

31. Case 04-ULP-06-0326 Bobbie L. (Adams) Peters v. Carl S. Anderson, Warden of State of Ohio, Department of Rehabilitation and Correction, Grafton Correctional Institution

On January 27, 2005, the Board dismissed the charge for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party and as untimely filed. On March 9, 2005, the Charging Party filed a timely request for reconsideration. No new information was provided that was not already addressed in the original investigation. Vice Chairman Gillmor moved that the Board construe the letter as a motion for reconsideration, and deny the motion for reconsideration with prejudice. 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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32. Case 04-ULP-07-0424 Cleveland Association of Rescue Employees, IUPA Local 1975 v. City of Cleveland

On December 7, 2004, the Board dismissed the charge for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. On January 31, 2005, the Charging Party filed an untimely motion for reconsideration. On March 31, 2005, the Charged Party filed a brief in opposition to the motion. On April 12, 2005, the Charging Party filed a motion to strike the brief as untimely filed. Board Member Verich moved that the Board deny the motion for reconsideration with prejudice as untimely filed and deny the motion to strike as moot. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye GILLMOR Aye VERICH Aye
Affirmed X Denied

33. Case 04-ULP-10-0589 H. John Santini v. Greater Cleveland Regional Transit Authority

34. Case 04-ULP-12-0710 International Brotherhood of Teamsters, Local 20 v. Sylvania Township, Lucas County

35. Case 05-ULP-01-0069 Brian M. Sara v. City of Warrensville Heights

36. Cases 05-ULP-03-0134
05-ULP-03-0135
05-ULP-03-0136 Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 2572 v. State of Ohio, Department of Rehabilitation and Correction, Corrections Medical Center and Twyla Hampton-Brown

Vice Chairman Gillmor moved that the Board dismiss the charges with prejudice because the Charging Parties 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

37. Case 05-ULP-02-0109 American Association of University Professors – Kent State Chapter v. Kent State University

38. Case 05-ULP-02-0110 American Association of University Professors – Kent State Chapter v. President Carol A. Cartwright, Kent State University

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39. Case 05-ULP-02-0113

American Association of University
Professors – Kent State Chapter v.
Kent State University

Board Member Verich moved that the Board construe the letters, memorandum of understanding, and notice as motions to withdraw and grant all motions. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

VI. ADMINISTRATIVE MATTERS

Senate Budget Hearing

Chairman Drake reported that the Board presented their budget figures to the Senate. The approval from the Senate will take place by June 2005.

Resignation of General Counsel

General Counsel Russ Keith has resigned from his position with his last day tentatively being May 13, 2005. He has accepted a deputy director position with the Ohio Rehabilitation Services Commission. The Board conveyed their well wishes to Mr. Keith and will greatly miss him. They also mentioned what a pleasure it has been to work with him, how skilled he is in Ohio Revised Code § 4117 legal matters, and what a great asset he has been to the agency. The Board proposed that a resolution be put together to honor Mr. Keith for the hard work he did at SERB. There will be a going-away “tea” for Mr. Keith on Thursday, May 12, 2005.

Status of Mediator Position

Chairman Drake mentioned that Executive Director Pat Snyder has given to the Board Members copies of the applications for the Mediator position. Executive Director Snyder would like to start interviews very soon, and has asked the Board to give her a list of candidates they feel she and Mediation Administrator Dale Zimmer should interview.

Status of Customer Service Assistant 1 Position

Chairman Drake reported that interviews have started. SERB is asking for another list of candidates from DAS to review and to possibly interview within the next few weeks. The second list requested is expanded to 15 names of candidates compared to ten names on the first list given to SERB.

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ALRA schedule and July 14, 2005 Board Meeting

Chairman Drake reported that she has been asked to serve on the ALRA Executive Committee, and asked the Board Members for their input on the matter. Chairman Drake would very much like to do this as she has many ideas she feels would help the organization. ALRA is scheduled for July 2005 in Seattle, Washington. Chairman Drake also mentioned that SERB Mediator Tom Worley has decided not to run for Vice President of Administration on the ALRA Executive Board this year. Mr. Worley spent a lot of time working on the ALRA Board through the years, and due to personal reasons, feels it is time he should step down.

Chairman Drake requested that due to the timing of the ALRA conference in July, that the Board meeting scheduled for Thursday, July 14, 2005 be changed to Friday, July 15, 2005. Vice chairman Gillmor stated that the Board Members have always shown professional courtesy in changing meeting dates when needed, and the Board members agreed with the change.

Technology Purchases

The SERB Technology committee reviewed the requests of items needed for the agency to purchase before the fiscal year ends, and is prioritizing them. Some items requested from the Bureau of Mediation included new laptop computers and DVD burners. The Committee members proposed that instead of purchasing several lap top computers and DVD burners that SERB initially purchase only one laptop that has DVD-burner capabilities and one new projector. Vice Chairman Gillmor suggested that the agency should check out this equipment first before purchasing something we don't really need. It was mentioned that Fiscal Officer Sandy Stiffler has been checking into all of this and feels comfortable with this suggestion from the committee.

Another purchase to be made is a new copier. Three copiers were brought into the agency for their use to try out, and it was unanimous that the Xerox copier was the best. The paper work for purchasing this copier is being processed at this time, and is also being verified that it does not exceed the requirements by DAS for purchasing copiers.

Update on Oak Hills

Chairman Drake and General Counsel Keith briefly mentioned that the Ohio Supreme Court did not accept the appeal of the Oak Hills case for review. As a result, the Hamilton County Court of Appeal's decision, affirming SERB's decision, still stands.

Update on Operation Feed

Chairman Drake mentioned that 15 boxes have already been delivered to the Operation Feed food bank and many more will be going soon. There will be a bake sale/auction of baskets on Friday, May 6, with proceeds going towards Operation Feed. There are a few other functions scheduled, such as a Pizza and Salad lunch on May 18, and bringing in five items of food will give a person a free dress down day. The staff members have really been outdoing themselves this year, and Chairman Drake thanked them for their continued support.

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Mediation Administrator Dale Zimmer's Schedule

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Mediation Administrator Dale Zimmer's schedule has been adjusted for the next few months. Mediator Tom Worley will be able to fill in those hours of work to assist in mediation work. Chairman Drake stated that all the mediators have stepped up in their work schedules since a Mediator position is vacant, and due to the change of hours for Mr. Zimmer, and she thanked them for their support.

LSC Request

Chairman Drake mentioned that LSC staff personnel have requested raw data on SERB's Health Care surveys, especially as it relates to schools. The Board discussed the information LSC will receive and how it may be used.

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 <u>Aye</u>	GILLMOR <u>Aye</u>	VERICH <u>Aye</u>
	Affirmed <u>X</u>	Denied <u> </u>	

/s/ Carol Nolan Drake
Carol Nolan Drake, Chairman