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3. Cases 03-MED-09-0960 Fraternal Order of Police Lodge  
03-MED-09-0961 No.25 and City of Lakewood

On September 18, 2003, a notice to negotiate was filed with the Board. A mediator was appointed on November 17, 2003, and a fact finder was appointed on December 10, 2003. The fact finder issued her report to the Board on May 11, 2005. On May 17, 2005, the Board received the fact finder's request to adjust her recommendation of a report involving the Employee Organization and the Employer in accordance with Ohio Administrative Code Rule 4117-9-05(L). On May 19, 2005, the Board received the vote from the Employee Organization to reject the report, and the Employer did not vote on the report. The fact finder believed she made an omission in her report, and asked for the adjustment to correct the omission. Board Member Verich moved that the Board construe the request to amend the fact-finding report as a motion, grant the motion, void any votes taken regarding the issuance of the initial fact-finding report, direct the fact finder to issue the amendment of the report by overnight mail following approval of the motion, and direct the parties to conduct a vote upon the fact-finding report as amended within seven days of the fact finder's issuance of the amendment to the report or within a timeline mutually agreed by the parties in writing. Vice Chairman Gillmor 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-09-0159 Fraternal Order of Police, Ohio Labor Council, Inc. and City of Eastlake
2. Case 05-REP-01-0013 Fraternal Order of Police, Ohio Labor Council, Inc. and Delhi Township Trustees, Hamilton County

The Employee Organizations have filed Requests for Recognition seeking to represent certain employees of the Employers. Vice Chairman Gillmor moved that the Board certify the Employee Organizations as the exclusive representatives of all employees in the appropriate bargaining units. 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 05-REP-01-0015 Freight Workers, Dockworkers and Helpers Local Union #24 and Franklin Township Road Department, Portage County  
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Board Member Verich moved that the Board approve the Consent Election Agreement, and direct elections to be conducted on June 22, 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 05-REP-05-0075 Service Employees International Union, Local 3 and City of Cleveland
5. Case 05-REP-05-0076 Plain Township Professional Firefighters Association, IAFF Local 2967 and Plain Township Board of Trustees

In Case 05-REP-05-0075, the Employee Organization is the deemed-certified exclusive representative of certain employees of the Employer. The parties have jointly filed a Petition for Amendment of Certification and Supplement to the Petition seeking to amend the existing bargaining unit to reflect a change of the Employee Organization to Local 3 and to include Bridge Oiler.

In Case 05-REP-05-0076, the Employee Organization is the deemed-certified exclusive representative of certain employees of the Employer. The parties have jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to reflect current contract language.

Vice Chairman Gillmor moved that the Board approve the jointly filed petitions and amend the units accordingly. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

6. Case 03-REP-11-0224 Teamsters Local Union No. 413 and Southwest Licking School District

- There were 36 ballots cast
- There were 0 challenged ballots
- No Representative received 11 votes
- Teamsters Local Union No. 413 received 25 votes and has prevailed in this election.

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7. Case 04-REP-12-0227 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Lodge 15 and City of Parma
- There were 18 ballots cast
  - There were 0 challenged ballots
  - No Representative received 0 votes
  - Fraternal Order of Police, Lodge 15 received 6 votes
  - Ohio Patrolmen's Benevolent Association received 12 votes and has prevailed in this election.
8. Case 04-REP-11-0206 (Dispatchers) Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Prairie Township, Franklin County
- There were 3 ballots cast
  - There were 0 challenged ballots
  - No Representative received 0 votes
  - Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO received 3 votes and has prevailed in this election.
9. Case 04-REP-11-0207 (Zoning, Administration, Senior Center, Road and Cemetery Departments) Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Prairie Township, Franklin County
- There were 9 ballots cast
  - There was 1 challenged ballot
  - No Representative received 2 votes
  - Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO received 6 votes and has prevailed in this election.
10. Case 04-REP-12-0219 Ohio Patrolmen's Benevolent Association and Fraternal Order of Police, Capital City Lodge #9 and Columbus Regional Airport Authority
- There were 19 ballots cast
  - There were 0 challenged ballots
  - No Representative received 0 votes
  - Fraternal Order of Police, Capital City Lodge #9 received 9 votes
  - Ohio Patrolmen's Benevolent Association received 10 votes and has prevailed in this election.

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11. Case 04-REP-04-0072 Teamsters Local Union No. 284, IBT and Communications Workers of America, Local 4501, AFL-CIO and The Ohio State University

- There were 392 ballots cast
- There were 11 challenged ballots
- Communications Workers of America, Local 4501, AFL-CIO received 9 votes
- Teamsters Local Union No. 284, IBT received 171 votes
- No Representative received 201 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 units, and in Case 04-REP-0-0072, "No Representative" prevailed in this election. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

V. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 04-ULP-10-0601 Lancaster School Support Association, OEA/NEA v. Lancaster City School District Board of Education

Vice Chairman Gillmor moved that the Board approve and adopt the settlement agreement, construe the settlement agreement as a motion to dismiss the unfair labor practice charge, grant the motion, and dismiss the unfair labor practice 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 \_\_\_

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2. Case 04-ULP-07-0383 Greater Cincinnati Building and Construction Trades Council v. Cincinnati Metropolitan Housing Authority

Board Member Verich moved that the Board construe the Charging Party's letter as a motion to withdraw, grant the motion, and dismiss the unfair labor practice charge with prejudice. 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-10-0569 Lucretia Davis v. President David E. McClellan, Toledo Association of Administrative Personnel, AFL-CIO

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(6) by failing to file a grievance to assist the Charging Party in obtaining compensation for completing graduate hours above her masters degree. Information gathered during the investigation revealed the Charged Party assisted the Charging Party in trying to resolve the compensation issue. The Charging Party was advised in 2003 that the Charged Party would not file a grievance because it needed to be filed by October 22, 2000. The Charging Party could have filed a grievance on her own but did not. All other allegations alleged in the charge are 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. 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-10-0573 Daniel James Schrader v. Columbus International Association of Fire Fighters, Local 67, President Jack Reall, and Vice President James Davis

The unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(B)(1) and (6) by denying the Charging Party the right to resign and listing him as a suspended member. Information gathered during the investigation revealed the Charged Party allowed the Charging Party to resign, and his dues stopped being collected effective upon his resignation. The Charging Party has not filed a grievance or requested assistance from the Charged Party since his resignation. Additionally, listing the Charging Party as suspended is not a violation of the statute. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of

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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   

3. Case 04-ULP-10-0581                      West Chester Professional Fire Fighters,  
Local 3518, IAFF v. West Chester  
Township, Butler County

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (3), and (5) by unilaterally implementing a uniform and grooming policy. Information gathered during the investigation revealed the Charged Party followed the contract to meet and confer. The matter is contractual, and no grievances have been filed. Additionally, insufficient evidence was provided to support the Ohio Revised Code § 4117.11(A)(3) allegation. 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. Case 04-ULP-10-0583                      Ohio Council 8, American Federation of  
State, County and Municipal Employees,  
Local 544-01 v. Lucas County  
Department of Job and Family Services

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (2), and (5) by distributing a misleading letter to bargaining-unit members regarding an upcoming union vote. Information gathered during the investigation revealed the letter interfered with the administration of the Charging Party by misleading bargaining-unit members to believe a union member had written it. 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, and refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1), (2), and (5) by distributing a letter representing the Charging Party to interfere with the vote of a fact-finder's report, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied

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5. Case 05-ULP-02-0074 Ohio State Troopers Association, Inc./IUPA/AFL-CIO v. State of Ohio, Department of Public Safety, Division of Highway Patrol

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally implementing the traveler dispatcher position without bargaining. Information gathered during the investigation revealed the position was not new, and was already referenced under another name in the contract. 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   

6. Case 05-ULP-02-0076 Marimor Education Association, OEA/NEA v. Allen 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 failing and refusing to bargain in good faith, and by assigning bargaining-unit work to nonbargaining-unit employees. The Charged Party filed a motion to defer. Information gathered during the investigation revealed a grievance regarding the alleged unilateral change has been filed and is proceeding through the grievance procedure. Contract interpretation and application lie at the center of both the unfair labor practice charge and grievance dispute. The Labor Relations Specialist recommends that the Board dismiss the charge with prejudice for lack of probable cause to believe that the Charged Party has committed an unfair labor practice, and as untimely filed regarding bargaining the Job Developer position. Executive Director Pat Snyder presented an alternative recommendation, and Board Member Verich moved that the Board accept this alternative recommendation by dismissing as untimely filed the allegation regarding the assignment of work to a newly created job development position, and grant the Charged Party's motion to defer the remaining allegations to the grievance-arbitration procedure as provided in In re Upper Arlington Ed. Assn, SERB 92-010 (6-30-92). Vice Chairman Gillmor seconded the motion. Chairman Drake called for any discussion, and Vice Chairman Gillmor commented that the Charged Party could have asked to dismiss the charge because it is contractual, but only asked that it be deferred, and feels the Board should grant this motion based on their request. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
       Affirmed X                         Denied

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7. Case 05-ULP-02-0081 International Association of Fire Fighters,  
Local 2972 v. City of Hillsboro

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally changing the contract. Information gathered during the investigation revealed the Charging Party had yet to be harmed regarding the alleged unilateral change. Vice Chairman Gillmor moved that the Board dismiss the charge without prejudice as being prematurely filed. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

8. Case 05-ULP-02-0084 Addreen M. Bonner v. Cleveland City  
School District Board of Education

9. Case 05-ULP-02-0093 Addreen M. Bonner v. International  
Brotherhood of Teamsters, Local 407

In Case 05-ULP-02-0084, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (B)(1) by threatening the Charging Party with termination if she did not sign a last chance agreement. Information gathered during the investigation revealed no information to support an Ohio Revised Code § 4117.11(A)(1) violation occurred. The Ohio Revised Code § 4117.11(B)(1) violation is not applicable to the Charged Party in this matter.

In Case 05-ULP-02-0093, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(1) and (6) by failing to file a grievance over the Charging Party's last chance agreement. Information gathered during the investigation revealed the Charged Party took the basic and required steps to represent the Charging Party. Consistent with the terms of the last chance agreement, a grievance was not filed because it was a condition of the last chance agreement. The Charged Party's actions were not arbitrary, discriminatory, or in bad faith.

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 \_\_

10. Case 04-ULP-11-0642 Napoleon Faculty Association, OEA/NEA  
v. Napoleon Area 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 imposing additional job duties on bargaining-unit employees, direct dealing, and discriminating against the Charging

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Party's President. Information gathered during the investigation revealed the parties met and discussed the Reduction-in-Force (RIF) and exchanged proposals on the RIF. The Charging Party failed to provide any information to support its allegation of direct dealing. The Charging Party's President was not awarded the supplemental contract for reasons other than exercising guaranteed rights. 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 <u>Aye</u>	GILLMOR <u>Aye</u>	VERICH <u>Aye</u>
	Affirmed <u>X</u>	Denied <u>  </u>	

- |     |      |                |   |
|-----|------|----------------|---|
| 11. | Case | 05-ULP-02-0088 | <u>Annette Stewart v. Maple Heights Transit Employees Association</u> |
| 12. | Case | 05-ULP-02-0087 | <u>Annette Stewart v. City of Maple Heights</u>                       |

In Case 05-ULP-02-0088, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(1) and (6) by failing to represent the Charging Party during the grievance process. Information gathered during the investigation revealed the Charging Party was represented at all stages of the grievance process. The Charged Party did not move the grievance to arbitration based on the merits. No information was provided to show the Charged Party's actions were arbitrary, discriminatory, or in bad faith.

In Case 05-ULP-02-0087, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (2), (5), (7), and (8) by terminating the Charging Party for the exercise of guaranteed rights. Information gathered during the investigation revealed the Charging Party was terminated for reasons other than exercising guaranteed rights. The Charged Party followed the grievance process outlined in the collective bargaining agreement. No information was provided to support the Ohio Revised Code § 4117.11(A)(2), (5), (7), or (8) violations. All the events prior to November 11, 2004, are untimely filed in both charges.

Board Member Verich moved that the Board dismiss the charges with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Parties, and as untimely filed for events occurring prior to November 11, 2004. 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>	

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13. Case 04-ULP-10-0579 Ohio Patrolmen's Benevolent Association v. City of Niles
14. Case 04-ULP-11-0608 Ohio Patrolmen's Benevolent Association v. City of Niles

In Case 04-ULP-10-0579, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (2), (3), (5), and (8) by unilaterally changing uniform policies, bypassing its designated bargaining representative, and by retaliating against it for processing a grievance by issuing General Orders. Information gathered during the investigation revealed the matter is contractual. The Charged Party's September 16, 2004 request for input from Charging Party's representative, supervisors, and patrol units are contractual requirements and not an attempt to bargain with someone not designated as the bargaining representative. Insufficient information was provided to support the Ohio Revised Code § 4117.11(A)(2), (3) or (8) violations.

In Case 04-ULP-11-0608, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (2), (3), and (7) by treating Patrolman Rich Bailey differently because he exercised guaranteed rights. Information gathered during the investigation revealed Patrolman Bailey was not treated differently. Insufficient information was provided to support the Ohio Revised Code § 4117.11(A)(2), (3) or (7) violations.

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 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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15. Case 05-ULP-03-0127 United Electrical, Radio and Machine Workers of America, Local 741 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 failing to bargain in good faith when it bypassed the Charging Party to meet with an employee in executive session, and by discriminating against employees for the exercise of their guaranteed rights. Information gathered during the investigation revealed there was no evidence that Mr. Terry Keen met with the Charged Party in executive session to negotiate wages, hours, or terms and conditions of employment. Insufficient information was provided to support the Ohio Revised Code § 4117.11(A)(3) violation. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                              Denied   

16. Case 05-ULP-02-0072 Ohio Patrolmen's Benevolent Association v. Athens 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 work hours of Deputy James Thompson. Information gathered during the investigation revealed the matter is contractual. Management rights' clause in the contract permits it to schedule work hours. 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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17. Case 05-ULP-02-0108 Professionals Guild of Ohio v. Cuyahoga Falls Library

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (2), (3), and (5) by interfering with guaranteed rights in the adjustment of grievances, discriminating against union officials for the exercise of their guaranteed rights, and by unilaterally changing the terms and conditions of employment in the release time for processing grievances. Information gathered during the investigation revealed the Charged Party's action of reminding employees of the contractual requirement for conducting union business is not a violation. No one was harmed or threatened. Insufficient information was provided to support an Ohio Revised Code § 4117.11(A)(5) violation. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. 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-ULP-02-0077 Teachers Association of Central Local Schools and Marvin Thorp v. Central 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 (3) by discriminating against Marvin Thorp for the exercise of his guaranteed rights. Information gathered during the investigation revealed the Charged Party did not provide a persuasive rebuttal to its action of denying the personal development leave. 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, and refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code § 4117.11(A)(1) and (3) by discriminating against Mr. Thorp for the exercise of his guaranteed rights when it approved and then denied Professional Development leave, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied

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19. Case 05-ULP-03-0123 Erin Wright v. Ohio Council 8, American Federation of State, County and Municipal Employees, Local 2191, AFL-CIO
20. Case 05-ULP-03-0124 Erin Wright v. Peg McClain, President Ohio Council 8, American Federation of State, County and Municipal Employees, Local 2191

In Case 05-ULP-03-0123, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(1), (2), (3), (6), and (C) by failing to represent the Charging Party through the grievance process. Information gathered during the investigation revealed the Charged Party's decision not to take the grievance to arbitration was based on the merits. Insufficient information was provide to show the Charged Party's actions were arbitrary, discriminatory, or in bad faith.

In Case 05-ULP-03-0124, the Charging Party failed to provide a clear and concise statement of facts constituting an alleged violation.

Vice Chairman Gillmor moved that the Board, in Case 05-ULP-03-0123, 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 for events occurring prior to December 3, 2004; and in Case 05-ULP-03-0124, dismiss the charge without prejudice due to 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 \_\_

21. Case 04-ULP-12-0684 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), (2), (3), (5), and (8) by presenting a draft proposal for interest arbitration to change the practice and letter of understanding of having the Charging Party's President and his designee administer the agreement full time in retaliation for representing its members. Information gathered during the investigation revealed the Charged Party has provided draft proposals during negotiations. No changes have occurred. Insufficient information was provided to support the Ohio Revised Code § 4117.11(A)(1), (3), and (8) violations. 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. 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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22. Cases 05-ULP-03-0137 State Council of Professional Educators, OEA/NEA v. State of Ohio, Department of Youth Services
- 05-ULP-03-0138 State Council of Professional Educators, OEA/NEA v. State of Ohio, Department of Youth Services

The unfair labor practice charges alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (3) by terminating Sherrie Young and Jodi Litman in retaliation for exercising guaranteed rights. Information gathered during the investigation revealed Ms. Young and Ms. Litman were terminated for encouraging an unlawful, unprotected work stoppage. 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   

23. Case 05-ULP-02-0105 Huron City School District Board of Education v. Huron Education Association, OEA/NEA and John Harkelroad
24. Case 05-ULP-03-0144 Huron City School District Board of Education v. Huron Education Association, OEA/NEA

In Case 05-ULP-02-0105, the unfair labor practice charge alleged the Charged Parties have violated Ohio Revised Code § 4117.11(B)(3) by making disparaging remarks about the Charging Party's Treasurer during a public meeting. Information gathered during the investigation revealed the statements do not rise to the level of a violation.

In Case 05-ULP-03-0144, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(3) by refusing to provide the Charging Party with proposals at the first negotiations meeting. Information gathered during the investigation revealed the Charged Party verbally brought their issues to the first bargaining session. Insufficient evidence was provided to show the Charged Party refused to bargain.

Vice Chairman Gillmor moved that the Board dismiss the charges with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged 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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25. Case 05-ULP-01-0003 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 383 v. Jefferson County Board of Mental Retardation and Developmental Disabilities
26. Case 05-ULP-01-0004 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 383 v. Jefferson County Board of Mental Retardation and Developmental Disabilities

In Case 05-ULP-01-0003, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by refusing to honor the terms of a successor agreement by insisting upon bargaining wage step increases. Information gathered during the investigation revealed the charge is untimely filed.

In Case 05-ULP-01-0004, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (5), and (6) by refusing to advance a grievance to arbitration. Information gathered during the investigation revealed the Charged Party admitted to refusing to arbitrate the grievance. Insufficient information was provided to support the Ohio Revised Code § 4117.11(A)(6) violation.

Board Member Verich moved that the Board, in Case 05-ULP-01-0003, dismiss the charge with prejudice as untimely filed, and in Case 05-ULP-01-0004, 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), but not (6), by refusing to advance 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

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27. Case 05-ULP-01-0011 Jefferson County Board of Mental Retardation and Developmental Disabilities v. Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 383

The unfair labor practice charges alleged the Charged Parties have violated Ohio Revised Code § 4117.11(B)(3) by refusing to negotiate. Information gathered during the investigation revealed the Charged Party is attempting to resolve an issue through the grievance-arbitration process, which is an extension of the negotiations process. Insufficient information was provided to demonstrate the Charged Party committed a violation, 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   

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

On March 3, 2005, the Board granted a joint motion to defer the charge to the parties' grievance-arbitration process. The Charging Party has filed a motion to withdraw the charge. Board Member Verich moved that the Board grant the motion to withdraw with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied   

29. Case 05-ULP-01-0044 Kamyron L. White v. State of Ohio, Department of Youth Services, Circleville Juvenile Correctional Facility

30. Case 05-ULP-01-0045 Kamyron L. White v. Ohio Civil Service Employees Association, AFSCME, Local 11, AFL-CIO

31. Case 05-ULP-02-0082 Lisa Smith v. Lucas County Job and Family Services

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

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32. Case 04-ULP-12-0676 Sarah Anne Vigil v. Cleveland City School District Board of Education
33. Case 04-ULP-12-0677 Sarah Anne Vigil v. Cleveland Teachers Union, Local 279

Board Member Verich moved that the Board construe the requests 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 \_\_

34. Case 05-ULP-04-0216 Ohio Patrolmen's Benevolent Association v. City of Pataskala
35. Case 04-ULP-11-0618 Holgate Teachers Association, OEA/NEA and Mary Jo Kohl v. Holgate Local School District Board of Education
36. Case 05-ULP-02-0095 Professionals Guild of Ohio v. Northridge Local School District Board of Education
37. Case 05-ULP-03-0152 West Clermont Helping Ohio's Public Employees (HOPE), OEA/NEA and Owen Brooks v. West Clermont Local School District Board of Education
38. Case 05-ULP-04-0226 Fraternal Order of Police, Ohio Labor Council, Inc. v. City of Pataskala
39. Case 05-ULP-04-0178 Fraternal Order of Police, Ohio Labor Council, Inc. v. Wood County Sheriff
40. Case 05-ULP-03-0166 Fraternal Order of Police, Ohio Labor Council, Inc. v. Coshocton County Sheriff
41. Case 05-ULP-03-0169 United Autoworkers International Union v. City of Rossford

Vice Chairman Gillmor moved that the Board construe the letters, notices, and settlement agreement as motions to withdraw, and grant all motions 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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VI. TABLED MATTERS

Board Member Verich moved to lift the Tabled Matters from the floor. Vice Chairman Gillmor seconded the matter. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
      Affirmed X                        Denied   

42. Case 05-ULP-01-0036                      Columbiana County Sheriff v. Fraternal Order of Police, Ohio Labor Council, Inc.

The recommendation on the table is that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice charge has been committed by the Charged Party. Chairman Drake called for any discussion.

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   

43. Case 04-ULP-12-0680                      Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 549 v. St. Clairsville-Richland City School District Board of Education

The recommendation on the table is 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 passing out documents pertaining to pending grievances to the public, and direct the parties to ULP mediation. Chairman Drake called for any discussion on the matter. Vice Chairman Gillmor asked if the Board could contact the Attorney General's Office to see what the Public Records Law and Ohio Revised Code 4117 states regarding what public information can be given out, and how the Board could get a better idea on how to interpret the rules and laws SERB follows in this matter and for future cases. Executive Director Pat Snyder had previously given the Board Members information on previous cases dealing with public records for reference purposes to

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assist them in rendering a decision in this matter, and did not present to them an alternative recommendation to this case. It was further discussed that the case not be directed to mediation. 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 passing out documents pertaining to pending grievances to the public in the absence of a court order as required by the parties' agreement. 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>	

VII. ADMINISTRATIVE MATTERS

Board and Section Goals

Executive Director Pat Snyder noted that the Board had been given a copy of the Board and Section Goals to review. Vice Chairman Gillmor suggested that the Board's goals should reference not only the resolution but also the prevention of disputes, and the other board members agreed. Executive Director Snyder said General Counsel goals would be submitted when the new General Counsel comes on board. Board Member Verich requested that the goals be monitored to see if they are being met, and to meet maybe twice a year with the sections to go over them. Executive Director Snyder said she will be giving the Board, on June 30, 2005, a written progress report on FY05 goals.

Customer Service Assistant 1 on Board

Executive Director Snyder introduced SERB's newest staff member, Timothea (Tammy) Johnson to the Board. Ms. Johnson now joins SERB working in the Clerks Office as a Customer Service Assistant. All welcomed her.

Second Round Interview Dates for Mediators

Eleven applicants have been interviewed by Executive Director Snyder and Administrator Zimmer for the Mediator's position. Executive Director Snyder asked the Board members to give her dates to schedule second-round interviews for them to conduct with the candidates one-on-one.

Chairman Drake has been conducting interviews for the General Counsel position all week, and will soon be recommending a candidate for the Board Members to meet.

Available Case Discussion Dates

Executive Director Snyder has given the Board a list of pending cases and circulated some opinion drafts. She asked the Board to review the cases and to give her available dates to meet to discuss them. Executive Director Snyder suggested three of the case discussions be held after the June 23, 2005 Board meeting; and a few more after the

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July 15, 2005 Board meeting. Former General Counsel Russ Keith has drafted some opinions on the cases that could be discussed on June 23, 2005, and more research is being done on areas where he suggested further research.

Update on Computer Upgrades and Training

Executive Director Snyder reported that the agency is upgrading our computer system to Microsoft Outlook 2003. It has been tested out on a few computers, with a few glitches occurring, and they are being corrected so that the rest of the agency can use it without problems. Training for Microsoft Outlook 2003 is to take place outside of the agency next week for some employees, and others will have the training beginning in the next fiscal year, which starts July 1, 2005.

Executive Director Snyder stated that some remaining funds for the fiscal year are being used for computer purchases which the Board approved, such as laptop/projector combination requested by the mediators, and they have arrived. They are checking to see if its improved performance with training videos warrants the purchase of additional ones. Vice Chairman Gillmor asked Executive Director Snyder how much money would be remaining in the budget at the end of the fiscal year. Executive Director Snyder replied that there would be about \$112,000 remaining in the budget. Vice Chairman Gillmor asked if the agency needed any additional equipment such as computers, replacement cars for the mediators, or other technical equipment. Executive Director Snyder responded that there were no additional needs brought to her attention. Vice Chairman Gillmor then requested a new computer if the funds are available because hers is over eight years old and runs very slowly. Vice Chairman Gillmor also asked whether there was any need for additional ergonomic furniture by the employees at the agency. Executive Director replied that she was unaware of any needs.

Budget Bill Status

Executive Director stated that SERB's budget has remained intact through the Senate, but that it will still be monitored through the Conference Committee process.

Franklin County Children Services Strike

The Board congratulated Mediation Administrator Dale Zimmer and Mediator Tony Naess for their hard work in assisting the settlement for the Franklin County Children Services strike. Without giving out confidential information, Administrator Zimmer stated that it was a joint effort in trying to settle the strike by management and labor, and that there was a mutual effort to keep health insurance costs down. Vice Chairman Gillmor mentioned that health care issues are the high topic nationally, and finding answers has been very difficult.

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Operation Feed Update

Executive Director Snyder reported the agency raised 890 pounds of food, which consists of \$4,565.50 in meals. She applauded the agency in their support for a well deserving project.

Mediators Surveys

Executive Director Snyder reported that the mediator's surveys are coming in and she is compiling all the data and will give the Board a report when all are received.

Public Service Recognition Week

Executive Director Snyder reported that the Board members, after the meeting, will be recognizing Public Service Recognition Week by presenting "service pins" to Cheri Alexander, Sandy Iversen, Debby Morgan, Donald Leonard, Craig Young, Dale Zimmer, Donna Glanton, and Tony Naess for their years of service, along with having a special brunch for the staff for their hard work.

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