



State Employment Relations Board Minutes  
June 23, 2005  
Page 2 of 20

III. REPRESENTATION MATTERS AT ISSUE:

1. Case 05-REP-02-0021 Fraternal Order of Police, Ohio Labor Council, Inc. and Huron County Sheriff

The Employee Organization filed an amended Request for Recognition seeking to represent certain employees of the Employer. The Employer responded by filing a Petition for Representation Election and objections. The Employer has now filed a letter withdrawing the petition and objections. Vice Chairman Gillmor moved that the Board construe the Employer's letter as a motion to withdraw the Petition for Representation Election and objections, grant the motion, and certify the Employee Organization as the exclusive representative of all employees in the bargaining unit. Board Member Verich seconded.

Chairman Drake called for the vote.

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

2. Case 04-REP-10-0197 IBEW Local Union #8, AFL-CIO and Lucas County Treasurer

The Employee Organization has filed a Request for Recognition seeking to represent certain employees of the Employer. The Employee Organization has now filed a letter withdrawing the Request for Recognition. Board Member Verich moved that the Board construe the Employee Organization's letter as a motion to withdraw, grant the motion, and dismiss without prejudice the Request for Recognition. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

3. Case 05-REP-04-0063 International Union, United Automobile, Aerospace, Agricultural Implement Workers of America, UAW and Cuyahoga County Sheriff's Department  
July 27, 2005

Vice Chairman Gillmor moved that the Board approve the Consent Election Agreement, and direct an election to be conducted on July 27, 2005. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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



State Employment Relations Board Minutes  
June 23, 2005  
Page 4 of 20

5. Case 05-REP-04-0065 Communications Workers of America, Local #4546 and Summit County Children Services
6. Case 05-REP-05-0078 Fraternal Order of Police, Ohio Labor Council, Inc. and Washington County Sheriff's Office

In Case 05-REP-04-0065, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The parties jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to reflect the current contract language.

In Case 05-REP-05-0078, the Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The parties jointly filed a Petition for Amendment of Certification seeking to amend the existing unit to exclude Captains. Vice Chairman Gillmor moved that the Board approve the 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 \_\_\_

7. Case 04-REP-11-0205 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Fair Haven/Shelby County Nursing Home

The Employee Organization filed a Petition for Representation Election to represent certain employees of the Employer. The Employer responded by filing objections and a petition proposing an alternate unit. Several conference calls were conducted but the parties could not reach an agreement concerning an appropriate bargaining unit. Board Member Verich moved that the Board direct this case to hearing to determine an appropriate bargaining unit and for all other relevant issues, and direct the parties to mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

State Employment Relations Board Minutes  
June 23, 2005  
Page 5 of 20

8. Case 04-REP-10-0192 Water Treatment Operators II and City of Painesville

The Employee Organization is the Board-certified exclusive representative of certain employees of the Employer. The Employee Organization filed a Petition for Amendment of Certification seeking to affiliate with the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW. The Employer responded by filing objections.

On May 27, 2005, the parties filed a Settlement Agreement in which the Employer agreed to withdraw the objections.

In support of the Petition for Amendment of Certification, the Employee Organization has provided information verifying that the standards set by the Board in In re Montgomery County Joint Vocational School Dist Bd of Ed, SERB 89-010 (5-11-89) and in In re Ohio Federation of Teachers, AFT, AFL-CIO, SERB 96-007 (6-7-96) have been met. No questions of representation are pending.

Vice Chairman Gillmor moved that the Board construe the Settlement Agreement as a motion to withdraw the Employer's objections, grant the motion, approve the Petition for Amendment of Certification, and amend the certification accordingly. 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 ___	

Board Member Verich moved to add the following case to the agenda. 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 ___	

9. Cases 05-REP-04-0061 Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO and State of Ohio  
05-REP-06-0090  
05-REP-06-0094

The Employee Organization is the Board-certified exclusive representative of State Bargaining Unit 8 and 14, which includes certain employees of the Employer. In Case No. 05-REP-04-0061, the parties have jointly filed a Petition for Clarification of Bargaining Unit seeking to amend the existing bargaining unit to move certain employees from Bargaining Unit 8 to Bargaining Unit 14. In Case Nos. 05-REP-06-0090 and 05-REP-06-0094, the parties have jointly filed a Petition for Amendment of Certification seeking to move certain employees from Bargaining Unit 8 into Bargaining Unit 14.

State Employment Relations Board Minutes  
June 23, 2005  
Page 6 of 20

Ohio Administrative Code Rule 4117-5-01(E)(1) and (2) provides for amendment of certification to alter the composition of a bargaining unit by adding, deleting, or changing terminology of the bargaining unit description. It further provides for a petition for clarification to determine whether a particular group of employees is included in or excluded from the unit based upon the unit description and the duties performed by the employees in question. Unit clarification does not alter the status quo, but rather maintains it.

Vice Chairman Gillmor moved that the Board approve the jointly filed Petitions for Amendment of Certification in Case Nos. 05-REP-06-0090 and 05-REP-06-0094 and amend the units accordingly, and dismiss without prejudice Case No. 05-REP-04-0061 because clarification is not the appropriate vehicle to alter the existing bargaining unit. Board Member Verich seconded the motion. Chairman Drake called for any discussion, and Vice Chairman Gillmor asked why Case 05-REP-04-0061 had been filed, and Labor Relations Specialist Dory McClendon responded by stating clarification is not the appropriate vehicle to amend a certification. Vice Chairman Gillmor further questioned whether approving this recommendation and amending the certification would correct the units and place the appropriate employees into the proper units? Ms. McClendon confirmed that yes this action would accomplish both claims. 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>	

V. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

- |    |      |                |  |
|----|------|----------------|--|
| 1. | Case | 04-ULP-09-0492 | <u>Ohio Patrolmen's Benevolent Association v. City of Ravenna, et al.</u>                                |
| 2. | Case | 04-ULP-07-0385 | <u>Salem City School District Board of Education v. Salem Education Association</u>                      |
| 3. | Case | 04-ULP-06-0299 | <u>International Union of Operating Engineers, Local 20 v. Cincinnati Metropolitan Housing Authority</u> |

State Employment Relations Board Minutes  
June 23, 2005  
Page 7 of 20

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

In Case 04-ULP-07-0383, Executive Director Snyder asked to withdraw this case from the agenda as it had already been disposed of at the June 9, 2005 Board meeting.

Board Member Verich moved that in the remaining cases the Board construe the request and letters as motions to withdraw, grant the motions, and dismiss the unfair labor practice charges with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

5. Case 04-ULP-10-0578 Ohio Patrolmen's Benevolent Association v. City of Niles

6. Cases 04-ULP-08-0442 Scioto Valley Local Teachers' Association, OEA/NEA v. Southeastern Local School District Board of Education  
04-ULP-09-0509

7. Case 04-ULP-05-0261 Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO v. City of East Cleveland

- 04-ULP-03-0166 Municipal Foreman and Laborers' Union, Local 1099 v. City of East Cleveland, Electrical Division

- 04-ULP-03-0157 Service Employees International Union, District 1199 v. City of East Cleveland

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

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

State Employment Relations Board Minutes  
June 23, 2005  
Page 8 of 20

8. Case 04-ULP-06-0297 SERB v. State of Ohio, Department of Transportation

Board Member Verich moved that the Board construe the Settlement Agreement as a motion by the Charging Party to dismiss the unfair labor practice charge and a motion by the Complainant to dismiss the complaint, grant the motions with prejudice, and retain jurisdiction for purposes of enforcing the Settlement Agreement. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied    

9. Cases 04-ULP-12-0687 Nicholas D. Confalone v. Mansfield School Employees Association  
04-ULP-12-0688

10. Case 04-ULP-12-0719 Water Treatment Operators II v. City of Painesville

11. Case 04-ULP-12-0665 Celina Education Association, OEA/NEA v. Celina City School District Board of Education

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

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied

State Employment Relations Board Minutes  
June 23, 2005  
Page 9 of 20

V. UNFAIR LABOR PRACTICE CHARGE MATTERS AT ISSUE:

1. Case 04-ULP-10-0597 Shelia D. Shaffer v. Communications Workers of America, Local 4530, University of Toledo Chapter

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(2) and (6) by refusing to file a grievance for the Charging Party. Information gathered during the investigation revealed the Charging Party is a classified exempt employee and is not a bargaining-unit member. The Charged Party had no duty to file the grievance. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied   

2. Case 04-ULP-11-0609 Barbara Etgen v. Service Employees International Union, District 1199

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(1) and (6) by not properly processing the Charging Party's grievance and misrepresenting layoff rights. Information gathered during the investigation revealed the Charging Party was not restrained or coerced in exercising her guaranteed rights. The Charging Party's grievance was processed. The Charged Party imparting its interpretation of the layoff information does not rise to the level of a violation. 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

State Employment Relations Board Minutes  
June 23, 2005  
Page 10 of 20

3. Case 05-ULP-03-0128 Liberty Township Professional Fire Fighters Association, Local 2075, IAFF v. Liberty Township Trustees, Mahoning 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 health insurance provider without review by the mandated Township Health Insurance Review Committee, and by dealing directly with police department members. Information gathered during the investigation revealed the contract and its meaning lie at the center of the dispute. Arbitral interpretation of the contract should resolve both the unfair labor practice and the contract interpretation issues. 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   

4. Case 05-ULP-03-0129 Matthew B. Slanoc v. State of Ohio, Department of Rehabilitation and Correction, Adult Parole Authority

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) by undermining the contract, and by disregarding the arbitrator's award when it failed to remove disciplinary documents from the Charging Party's file. Information gathered during the investigation revealed there is insufficient evidence to show that the Charged Party coerced or restrained the Charging Party in exercising his guaranteed rights. The disciplinary files were removed prior to the Charging Party filing this charge. 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

State Employment Relations Board Minutes  
June 23, 2005  
Page 11 of 20

5. Case 05-ULP-03-0148 Youngstown State University-Association of Classified Employees, OEA/NEA v. Youngstown State University

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (2), and (5) by refusing to provide a copy of a salary study of its members, meeting directly with its members to discuss the study, and issuing a letter directly to its members regarding the study prior to negotiations. Information gathered during the investigation revealed the timing of the information meeting where a survey was distributed to bargaining-unit members on mandatory subjects of bargaining, just prior to negotiation, may constitute a violation. 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 directly dealing with the bargaining-unit members regarding mandatory subjects of bargaining prior to negotiations beginning, 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   

6. Cases 05-ULP-03-0119 Erin Wright v. City of Columbus, Columbus Health Department
- 05-ULP-03-0120 Erin Wright v. City of Columbus, Columbus Health Department, Occupational Health Safety Clinic
- 05-ULP-03-0121 Erin Wright v. City of Columbus, Columbus Health Department and Larry Thomas
- 05-ULP-03-0122 Erin Wright v. City of Columbus, Columbus Health Department and Isabella Treece

The Charging Party has failed to provide clear and concise statements of facts constituting the alleged violations in the referenced unfair labor practice charges. Vice Chairman Gillmor moved that the Board dismiss the charges without prejudice due to Charging Party's failure to provide a clear and concise statement of the facts constituting the alleged violations. Board Member Verich seconded the motion. Chairman Drake called for any discussion. Vice Chairman Gillmor asked Administrator Alan Bonham why there was no Summary of the Charge in the report presented to the Board. Administrator Bonham replied that in most cases there would be a summary, but in these cases it was hard to decipher what the Charging Party was alleging. The Charging Party was contacted and the response was similar. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied

State Employment Relations Board Minutes

June 9, 2005

Page 12 of 20

7. Case 05-ULP-03-0159 Cleveland Public Library v. Service Employees International Union, District 1199

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(1) and (3) by failing to sign the parties' new agreement in a timely manner. Information gathered during the investigation revealed the Charged Party never refused to sign the agreement. Making sure the corrections are made prior to signing a contract is not a violation of the statute. Insufficient evidence was provided to support the Ohio Revised Code § 4117.11(B)(1) allegation. 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   

8. Case 05-ULP-03-0165 Brook Park Fire Fighters, IAFF Local 1141 v. City of Brook Park

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by failing to bargain in good faith regarding changes in health care and trading time. Information gathered during the investigation revealed the Charged Party notified the Charging Party of the change in the health care provider, pursuant to the collective bargaining agreement, during negotiations. The Charged Party worked with the provider to resolve the Charging Party's identified concerns. Restricting a fire fighter for abuse of a privilege of trading time is not a violation of the statute. Contract interpretation lies at the center of the dispute. Arbitral interpretation of the contract should resolve both the unfair labor practice and the contract interpretation issues. 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

State Employment Relations Board Minutes  
June 23, 2005  
Page 13 of 20

9. Case 04-ULP-11-0617 Kenneth W. Cunningham v. Cuyahoga County Board of Commissioners

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (6), and (8) by failing and refusing to timely process grievances which affected the Union's ability to represent its members. Information gathered during the investigation revealed the grievances were timely processed. 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-04-0173 International Association of Fire Fighters, Local 379 v. City of Marion

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by unilaterally altering the parties' collective bargaining agreement. Information gathered during the investigation revealed the matter is contractual and no statutory issues are evident. Chairman Drake recused herself from voting. 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. Vice Chairman Gillmor called for the vote.

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

11. Case 05-ULP-03-0140 Tammy L. Dailey v. Fraternal Order of Police, Ohio Labor Council, Inc.

12. Case 05-ULP-03-0141 Tammy L. Dailey v. Ross County Sheriff's Office and Sheriff Ronald Nichols

In Case 05-ULP-03-0140, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(B)(6) by failing to process the Charging Party's grievance. Information gathered during the investigation revealed the Charging Party's grievance was processed to arbitration.

In Case 05-ULP-03-0141, the unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (3) by suspending the Charging Party. Information gathered during the investigation revealed the Charging Party was disciplined for reasons other than exercising guaranteed rights.



State Employment Relations Board Minutes  
June 23, 2005  
Page 15 of 20

15. Case 04-ULP-10-0585 Ohio Patrolmen's Benevolent Association v. Portage County Sheriff

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1), (2), (5), (6), and (8) by failing to process grievances in a timely manner. Information gathered during the investigation revealed the Charged Party has delayed processing the grievances. Under the totality of the circumstances, Ohio Revised Code § 4117.11(A)(5) has not been violated. Insufficient information was provided to support the Ohio Revised Code § 4117.11(A)(3) violation. 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) and (6), but not (2), (5), and (8), by failing to process grievances in a timely manner, 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   

16. Case 05-ULP-01-0002 Mayfield Education Association, OEA/NEA v. Mayfield City School District Board of Education

Vice Chairman Gillmor moved that the Board table this case to the next meeting. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied   

17. Case 05-ULP-03-0154 Defiance City Education Association, OEA/NEA v. Defiance City School District Board of Education

The unfair labor practice charge alleged the Charged Party has violated Ohio Revised Code § 4117.11(A)(1) and (5) by dealing directly with bargaining-unit employees. Information gathered during the investigation revealed the comments do not rise to the level of a 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

State Employment Relations Board Minutes  
June 23, 2005  
Page 16 of 20

18. Case 05-ULP-01-0009 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO v. Parma 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 threatening bargaining-unit employees if they make proposals regarding jackets during negotiations. Information gathered during the investigation revealed the alleged statement does not rise to the level of a violation. 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   

19. Cases 05-ULP-01-0015 Diane J. Dudek v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 5000 and Jason Rozycki

05-ULP-01-0016 Susan Sheely v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 5000 and Jason Rozycki

05-ULP-01-0022 Shawanda D. Boss-McIntosh v. Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, Chapter 5000 and Jason Rozycki

The unfair labor practice charges alleged the Charged Parties have violated Ohio Revised Code § 4117.11(B)(1) and (6) by removing the Charging Parties as union stewards or denying their requests to become stewards, and by refusing to hear their appeals. Information gathered during the investigation revealed the Charged Parties have the authority to appoint stewards. The Charged Parties processed the appeals through the internal procedures. Insufficient information exists to demonstrate the Charged Parties' actions were 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 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

State Employment Relations Board Minutes  
June 23, 2005  
Page 17 of 20

20. Case 04-ULP-09-0488 Linda Bookbinder v. Ledgemont Local School District Board of Education
21. Case 04-ULP-11-0649 Crestline Education Association, OEA/NEA v. Crestline Exempted Village School District Board of Education
22. Cases 04-ULP-10-0598 Christine M. Miller v. Black River Local School District Board of Education  
04-ULP-10-0599 Christine M. Miller v. Black River Support Staff, OEA/NEA
23. Case 04-ULP-07-0415 Sharon B. Dickerson v. University of Toledo
24. Case 04-ULP-08-0438 Communications Workers of America, Local 4530 v. University of Toledo

Vice Chairman Gillmor moved that the Board construe the letters and requests as motions for reconsideration, and deny the 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   

25. 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 unfair labor practice charge with prejudice for lack of probable cause. On January 31, 2005, the Charging Party filed an untimely motion for reconsideration. On May 5, 2005, the Board denied the motion for reconsideration as untimely filed. On May 20, 2005, the Charging Party filed a motion for reconsideration on the Board's decision to deny the first motion for reconsideration. The Charging Party contends the 45-day time line starts when the party receives the directive. Ohio Administrative Code Rule 4117-1-04(E) clearly identifies that motions for reconsideration must be submitted no later than 45 days after the issuance of SERB's final ruling. The issuance date is clearly identified on each directive. The argument presented by the Charging Party is not applicable to the present case. Board Member Verich moved that the Board deny the motion for reconsideration with prejudice. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

Vote: DRAKE Aye                      GILLMOR Aye                      VERICH Aye  
Affirmed X                                  Denied

State Employment Relations Board Minutes  
June 23, 2005  
Page 18 of 20

26. Case 05-ULP-03-0133 National Production Workers Union, Local 707 v. City of Cleveland Heights
27. Case 05-ULP-03-0158 Roy A. Valentine v. Southern State Community College-Wilmington Campus
28. Case 05-ULP-02-0070 Teamsters Local 637 v. Muskingum County Center for Seniors

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 \_\_

29. Case 05-ULP-04-0172 Ohio Council 8, American Federation of State, County and Municipal Employees, Local 1360, AFL-CIO v. City of Akron
30. Case 05-ULP-03-0163 Cleveland Police Patrolmen's Association v. City of Cleveland
31. Case 05-ULP-03-0161 Ohio Patrolmen's Benevolent Association v. Delaware County Sheriff
32. Case 05-ULP-05-0228 International Union of Operating Engineers, Local 10 v. City of Cleveland
33. Case 04-ULP-11-0634 Owens Faculty Association v. Owens Community College

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

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

VI. ADMINISTRATIVE MATTERS

Purchase Update

Executive Director Pat Snyder reported that new laptops/projectors are on order for the mediators since they were checked out by Mediators Tom Worley and Dale Zimmer, and Sayfee, SERB's IT Support person. The laptops/projectors were recommended due to some continuing difficulties in the field with the mediators' equipment.

Computer Classes

Executive Director Snyder reported that sixty-nine computer training classes have been scheduled, with many already having been completed such as Microsoft Outlook, Word, Access, and Power Point. She also reported that a new computer has been ordered for Vice Chairman Gillmor.

Conference Committee Amendments

Executive Director Snyder reported that SERB's budget and grants language has remained intact through the Conference Committee. She also mentioned that there is some other language related to SERB's work, such as health care insurance costs for school employees and the ability of school volunteers to do bargaining unit work, and as soon as everything is finalized, the information will be distributed to all. The information will also be posted on SERB's web-site.

Executive Director Snyder recommended that the Board go into Executive Session to discuss personnel matters. Vice Chairman Gillmor moved that the Board go into executive session, pursuant to Ohio Revised Code Section 121.22(G)(1), to discuss the employment of public employees. Board Member Verich seconded the motion. Chairman Drake called for the roll-call vote.

ROLL-CALL VOTE: DRAKE Aye            GILLMOR Aye            VERICH Aye  
                         Affirmed X            Denied   

Board Member Verich moved that the Board exit from executive session. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the roll-call vote.

ROLL-CALL VOTE: DRAKE Aye            GILLMOR Aye            VERICH Aye  
                         Affirmed X            Denied

State Employment Relations Board Minutes  
June 23, 2005  
Page 20 of 20

VII. 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