













State Employment Relations Board  
Board Meeting Minutes  
August 11, 2005  
Page 7 of 14

5. Case 05-ULP-02-0107

Ohio Patrolmen's Benevolent Association  
v. Ohio Council 8, American Federation of  
State, County and Municipal Employees,  
Local 7, AFL-CIO

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(A)(5) and (B)(1) by restraining employees from engaging in their right to change unions through certain comments made by the Local 7 president. The investigation reveals the Charging Party did not provide sufficient evidence to demonstrate the comments were made or how Communications Operators were coerced or restrained. An Ohio Revised Code § 4117.11(A)(5) allegation against an employee organization is inappropriate. Furthermore, the Charging Party lacks standing pursuant to Ohio Administrative Code § 4117-7-01(A) to file the charge. 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, and because the Charging Party lacks standing to file the charge. 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-04-0170

Black River Support Staff Association,  
OEA/NEA v. Black River Local School  
District Board of Education and Its Agents  
and Representatives

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code §§ 4117.11(A)(1), (2), (3), and (5) by threatening and retaliating against bargaining-unit members in the exercise of their guaranteed rights, and by unilaterally changing the terms and conditions of employment without bargaining. The investigation reveals the Charged Parties followed their interpretation of the collective bargaining agreement when the hours were reduced. The employees were not engaged in protected activity with the Charged Parties' knowledge when the hours were reduced. No information was provided to substantiate the Ohio Revised Code §§ 4117.11(A)(2) or (5) allegations. 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

State Employment Relations Board  
Board Meeting Minutes  
August 11, 2005  
Page 8 of 14

7. Case 05-ULP-05-0292 Bucyrus City School District Board of Education v. Bucyrus Education Association, OEA/NEA and President Kevin Fourman

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code §§ 4117.11(B)(1), (2), and (3) by attempting to influence the Charging Party in its selection of a bargaining representative, attempting to bypass the designated bargaining representative by dealing directly with the Charging Party's Board members, and by bargaining in bad faith. The investigation reveals no attempt was made to influence the selection of the Charging Party's representative or to deal directly with the Charging Party's Board members. Communications, after the parties reach impasse, are not direct dealing. Insufficient evidence was provided to substantiate bad faith bargaining 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 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-04-0218 Ohio Patrolmen's Benevolent Association v. City of Parma

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (5) by unilaterally changing the past practice of permitting employees to use sick leave for the purpose of attending a funeral. The investigation reveals the contract gives the Employer the right to modify or discontinue any past or present practice after a 7-day notification. The Charging Party was notified. 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  
Board Meeting Minutes  
August 11, 2005  
Page 9 of 14

9. Case 05-ULP-05-0237

Fraternal Order of Police, Ohio Labor  
Council, Inc. v. Hamilton County Sheriff's  
Office

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1), (3), and (8) by intimidating a bargaining-unit employee into proceeding with a grievance meeting without his representative. The investigation reveals the employee was not permitted to have his union representative present during the grievance meeting. No information was provided to substantiate an Ohio Revised Code § 4117.11(A)(3) violation occurred. 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 (8), but not (3), by intimidating a bargaining-unit employee into proceeding with a grievance meeting without his representative, and direct the parties to ULP mediation. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

10. Case 05-ULP-05-0251

Fraternal Order of Police, Ohio Labor  
Council, Inc. v. Muskingum County Sheriff

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (5) by refusing to bargain in good faith. The investigation reveals the matter is contractual and 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  
Board Meeting Minutes  
August 11, 2005  
Page 11 of 14

13. Case 05-ULP-02-0106

River Valley Employees Association,  
OEA/NEA v. River Valley Local School  
District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (3) by issuing union President Norma Friar a memorandum in retaliation for engaging in protected activity. The investigation reveals a credibility issue exists between what transpired between an employee and President Friar. The Charged Party did not provide a persuasive rebuttal that anti-union animus was not its motivation. The Charged Party filed a motion to dismiss because the unfair labor practice charge served on them did not have a case number. A served copy does not require a case number. 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 (3) by disciplining Ohio Education Association President Norma Friar in retaliation for engaging in protected activity, deny the motion to dismiss, 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 \_\_\_\_\_

14. Cases 05-ULP-04-0221  
05-ULP-04-0222

Leipsic Education Association, OEA/NEA  
v. Leipsic Local School District Board of  
Education

The unfair labor practice charges allege the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (5) by failing to bargain in good faith. The investigation reveals the matters are strictly contractual. 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 \_\_\_\_\_

State Employment Relations Board  
Board Meeting Minutes  
August 11, 2005  
Page 12 of 14

15. Case 05-ULP-05-0244 Ohio Patrolmen's Benevolent Association v. City of Warren

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (5) by failing to bargain in good faith by refusing to sign a contract that incorporates the final offers of the Charging Party that were awarded by the conciliator. The investigation reveals there are discrepancies in the conciliator's award. The parties have taken the matter to Common Pleas Court. The matter is not an unfair labor practice pursuant to *In re Truck Drivers, Chauffeurs, and Helpers, Local No. 100, IBT*, SERB 92-011 (7-15-92). 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-01-0001 Dean Heestand II v. United Steelworkers of America, AFL-CIO, Local 9187

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(B)(2) and (6) by not taking the Charging Party's grievance to arbitration or advising him the grievance was not going to arbitration, and by not advising the Charging Party that he had a right to private counsel. The investigation reveals that based on the merits, the Charging Party's grievance was not forwarded to arbitration by the Charged Party. The Charging Party was advised the grievance was not going to arbitration, and not being advised about private counsel is not a violation of the statute. 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           

17. Case 05-ULP-05-0260 Madison-Plains Education Association, OEA/NEA v. Madison-Plains Local School District Board of Education

Board Member Verich moved that the Board construe the settlement agreement as a motion by the Charging Party to withdraw the charge, grant the motion, and dismiss the 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

State Employment Relations Board  
Board Meeting Minutes  
August 11, 2005  
Page 13 of 14

18. Case 05-ULP-07-0414 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO and Its Local 261 v. Struthers City School District Board of Education

Vice Chairman Gillmor moved that the Board construe the Charging Party's Request to Withdraw Charge as a motion, grant the motion, and dismiss the charge with prejudice. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

VI. ADMINISTRATIVE MATTERS

**Clearinghouse** - Executive Director Snyder reported that we received only two of the three hoped-for bids to construct our web-based clearinghouse. We will have the quotes reviewed by the vendor that drafted the Request for Quotes and determine whether additional quotes should be sought.

VII. TABLED CASES

Board Member Verich moved to lift the Tabled Matter noted below. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

Petition for Administrative Hearing  
Municipal Construction Equipment Operators' Labor Council, Petitioner  
(Docketed with 2002-REP-06-0116)

Vice Chairman Gillmor moved that the Board go into executive session to discuss imminent court action pursuant to Ohio Revised Code § 121.22(G)(3). Board Member Verich seconded the motion. Chairman Drake called for the roll-call vote.

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

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

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

State Employment Relations Board  
Board Meeting Minutes  
August 11, 2005  
Page 14 of 14

Board Member Verich moved to table the Petition for Administrative Hearing. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

Vice Chairman Gillmor moved that the Board go into executive session to discuss the employment of public employees pursuant to Ohio Revised Code § 121.22(G)(1). Board Member Verich seconded the motion. Chairman Drake called for the roll-call vote.

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 vote.

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

VIII. ADJOURNMENT

Vice Chairman Gillmor moved that the Board adjourn the meeting. Chairman Drake seconded the motion and called for the vote.

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

  /s/ Carol Nolan Drake    
Carol Nolan Drake, Chairman