

State Employment Relations Board
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IV. ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS AT ISSUE:

1. Case 04-ULP-07-0418 SERB v. International Brotherhood of Teamsters Local No. 436

On July 23, 2005, the State Employment Relations Board found probable cause to believe a violation had occurred, authorized the issuance of a complaint and referred the matter to hearing. On August 22, 2005, following the issuance of a Complaint, the Intervenor and Charging Party filed a settlement agreement ("filed agreement") that references an undisclosed "separate memorandum agreement governing Union business representatives and agents in toll plaza areas" ("undisclosed agreement"). The filed settlement agreement is not signed by a representative of the Attorney General's office. In the filed agreement, the Charging Party has agreed to withdraw its unfair labor practice charge and requests that the Assistant Attorney General file a motion to dismiss the case with prejudice. Also in the filed agreement, the parties state that SERB retains jurisdiction over this matter to the extent necessary to enforce the Settlement Agreement. On August 22, 2005, pursuant to the filed agreement, Assistant Attorney General Michael Zidar filed a Motion to Dismiss Complaint.

Historically, when SERB has agreed to enforce a settlement agreement, it has adopted and approved the agreement after reviewing its terms. When an agreement is simply a private settlement with undisclosed terms, a motion to withdraw or dismiss has been granted. Here, the substantive terms of the agreement are undisclosed.

Vice Chairman Gillmor moved that the Board construe the filed agreement as a motion by the Charging Party to withdraw the unfair labor practice charge and grant the motion, grant the Complainant's Motion to Dismiss Complaint, and dismiss the unfair labor practice charge with prejudice, but decline to approve and adopt an agreement referencing undisclosed terms or to seek its enforcement. Board Member Verich seconded the motion. Chairman Drake called for the vote.

Executive Director Pat Snyder stated that the Assistant Attorney General assured her that the parties are in agreement to the undisclosed terms of the agreement.

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

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2. Case 05-ULP-001-0004 Ohio Association of Public School Employees, AFSCME Local 4, AFL-CIO v. Jefferson County Board of Mental Retardation and Developmental Disabilities

Board Member Verich moved that the Board lift the case from the table. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

On June 9, 2005, the State Employment Relations Board found probable cause to believe a violation had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to unfair labor practice mediation. The parties filed a settlement agreement that resolves the unfair labor practice charge, as well as Case No. 05-ULP-06-0307. (This case will be presented to the Board later in the meeting.) The settlement agreement serves as the tentative agreement.

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, 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 _____

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

On May 5, 2005, the Board found probable cause to believe a violation had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to unfair labor practice mediation.

On July 19, 2005, the parties filed a settlement agreement that resolves the unfair labor practice charge.

Board Member Verich 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, but retain jurisdiction for purposes of enforcement. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

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4. Case 04-ULP-11-0623 Lima Education Association, OEA/NEA v. Lima City School District Board of Education

On April 21, 2005, the State Employment Relations Board found probable cause to believe a violation had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to unfair labor practice mediation. On September 8, 2005, the Charging Party filed a motion to withdraw the charge based upon a private settlement, the terms of which were not disclosed. Vice Chairman Gillmor moved that the Board grant the motion to withdraw, 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

5. Cases 04-ULP-09-0546 Perkins Education Association, OEA/NEA
04-ULP-11-0653 v. Perkins Local School District Board of Education

On March 17, 2005, the State Employment Relations Board found probable cause to believe violations had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to unfair labor practice mediation.

The parties filed a settlement agreement that resolves the unfair labor practice charges.

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

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

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

On September 13, 2005, following the issuance of a Complaint, the parties filed a settlement agreement that resolves the unfair labor practice charge. Vice Chairman Gillmor moved that the Board approve and adopt the settlement agreement, construe the settlement agreement as a motion by the Complainant to dismiss the Complaint with prejudice, grant the motion, and dismiss the Complaint and unfair labor practice charge 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

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7. Case 03-ULP-12-0674 Strongsville Education Association,
OEA/NEA v. Strongsville City School
District Board of Education

On May 13, 2004, the Board dismissed the unfair labor practice charge, but on August 19, 2004, granted a Motion for Reconsideration and found probable cause to believe the Charged Party had violated Ohio Revised Code §§ 4117.11(A)(1) and (A)(5).

On January 13, 2005, the Charging Party filed a Motion to Withdraw. On January 27, 2005, the Board granted the Charging Party's Motion to Withdraw and dismissed the charge with prejudice.

On April 15, 2005, the Charging Party filed a Notice of Non-Compliance and Motion for Contempt. On September 15, 2005, the Charging Party filed a Motion to Withdraw Its Contempt Motion. Board Member Verich moved that the Board grant the Charging Party's Motion to Withdraw Its Contempt Motion. 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-05-0235 Salem Firefighters, International
Association of Fire Fighters Local 283 v.
City of Salem

On July 28, 2005, the State Employment Relations Board found probable cause to believe a violation had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to unfair labor practice mediation. On September 19, 2005, the parties filed a settlement agreement that resolves the unfair labor practice charge. Vice Chairman Gillmor moved that the Board approve and adopt the settlement agreement, construe the settlement agreement as a motion by the Charging Party to dismiss the unfair labor practice charge, grant the motion, and dismiss the unfair labor practice charge 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

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9. Case 04-ULP-07-0422 SERB v. Great Oaks Institute of Technology and Careet Development

On January 13, 2005, the State Employment Relations Board found probable cause to believe a violation had occurred, authorized the issuance of a complaint, referred the matter to hearing, and directed the parties to unfair labor practice mediation. On August 22, 2005, the Charging Party filed a Motion to Intervene, which was granted on August 25, 2005. On September 16, 2005, following the issuance of a complaint, the parties filed a settlement agreement.

Board Member Verich moved that the Board approve and adopt the settlement agreement, construe the settlement agreement as a motion by the Charging Party to withdraw the unfair labor practice charge and a motion by the Complainant to dismiss the Complaint, grant the motions, and dismiss the unfair labor practice charge with prejudice, but retain jurisdiction for purposes of enforcement. 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 05-ULP-02-0114 Eileen M. Butterfield v. Ohio Council 8, American Federation of State, County and Municipal Employees, Local 1746, AFL-CIO

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(B)(6) by members of the negotiating team only negotiating pay raises for themselves. The investigation reveals that the Charged Party attempted to get all Administrative Assistant I and II positions working for Directors or Chiefs reclassified, but was only able to get three (3) positions reclassified. The Charged Party's actions were not arbitrary, discriminatory or in bad faith. Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

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2. Case 05-ULP-03-0118 Service Employees International Union,
District 1199 v. Cleveland City School
District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code § 4117.11(A)(7) by refusing to allow bargaining-unit member Charles Mavros to return to work after a work related injury. The investigation reveals no evidence to support the allegation Mr. Mavros was not permitted to return to work, and to support the Ohio Revised Code § 4117.11(A)(7) allegation. The charge is untimely filed. 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 as untimely filed. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

3. Case 05-ULP-04-0217 Freight Workers, Dockworkers and Helpers
Local Union No. 24 v. Franklin Township,
Portage County

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (3) by unilaterally changing lunch break rules, imposing a no smoking policy, and altering its pay practices in retaliation of the employees seeking union representation. The investigation reveals the Charged Party did change the payroll system, eliminated the paid lunch commute, and changed policies while the employees were organizing. The Charged Party did not provide a persuasive rebuttal. Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (3) by changing lunch break rules of employees, imposing a no smoking policy, and altering its pay practices in retaliation of the employees seeking union representation, 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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4. Case 05-ULP-05-0239 Service Employees International Union,
District 1199 v. Cleveland Public Library

Board Member Verich moved that the Board construe the letter as a motion to withdraw and grant the motion 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 05-ULP-05-0261 Eastland Education Association, OEA/NEA
and Richard Highman v. Eastland-Fairfield
Career and Technical Schools Board of
Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (3) by retaliating against Richard Highman for utilizing the grievance procedure. The investigation reveals Mr. Highman was not awarded a 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: Aye GILLMOR: Aye VERICH: Aye
Affirmed X Denied _____

6. Case 05-ULP-05-0281 Robert J. Swidarski v. Amalgamated
Transit Union, Local 268

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(B)(3) and (6) by failing to process the Charging Party's grievance. The investigation reveals the Charged Party informed the Charging Party it would not pursue the grievance. The Charging Party did not pursue the grievance on his own. The Charged Party's actions were not arbitrary, discriminatory or in bad faith. No information was provided to support the Ohio Revised Code § 4117.11(B)(3) 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 _____

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7. Case 05-ULP-06-0366 Ohio Patrolmen's Benevolent Association
v. Delaware County Sheriff

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1), (2), and (3) by expressing displeasure over union organizing and by terminating Lt. Kevin Savage for engaging in protected activity. The investigation reveals the Charged Party acknowledges the union organizing effort, and that Lt. Savage was terminated. The Charged Party did not provide a persuasive rebuttal. Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1), (2), and (3) by expressing its displeasure with a union organizing effort, and by terminating the employment of Lt. Kevin Savage for engaging in protected activity, 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 _____

8. Case 05-ULP-06-0322 Jeremy Lee Davies v. Bowling Green State
University and Sgt. John Shumaker

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code §§ 4117.11(A)(1) and (3) by inappropriately evaluating the Charging Party for engaging in protected/concerted activity. The investigation reveals the comment in the evaluation violated Ohio Revised Code § 4117.11(A)(1), but no additional information was provided to show the Charging Party was harmed. Board Member Verich moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Parties violated Ohio Revised Code § 4117.11(A)(1), but not (3), by interfering with, restraining, or coercing the Charging Party in the exercise of guaranteed rights, 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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9. Case 05-ULP-07-0394 JeNae D. Wilson-Brown v. Cleveland Police Patrolmen's Association

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(B)(1), (2), and (6) by failing to fairly represent the Charging Party. The investigation reveals the Charging Party's grievance is pending arbitration. No additional information was provided to show the Charged Party's actions were arbitrary, discriminatory, or in bad faith. The events prior to May 2005 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 with respect to events occurring prior to May 2005. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

10. Case 05-ULP-07-0393 JeNae D. Wilson-Brown v. City of Cleveland, Division of Police

Case 05-ULP-07-0395 JeNae D. Wilson-Brown v. City of Cleveland, Law Department

The unfair labor practice charges allege the Charged Parties violated Ohio Revised Code §§ 4117.11(A)(1), (6), and (8) by failing to timely process the Charging Party's grievance. In Case No. 05-ULP-07-0393, the Charging Party filed a letter requesting withdrawal. In Case No. 05-ULP-07-0395, the investigation reveals no evidence was provided to support a violation of the statute occurred and the charge is untimely filed. Board Member Verich moved that the Board, in Case 05-ULP-07-0393, construe the letter as a motion to withdraw, and grant the motion with prejudice; and in Case 05-ULP-07-0395, 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. 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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11. Case 05-ULP-05-0277 Lancaster School Support Association,
OEA/NEA v. Lancaster City 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 retaliating against Chris Ensign for exercising guaranteed rights. The investigation reveals the Charged Party retaliated against Mr. Ensign for exercising guaranteed rights as an officer of the Charging Party. Vice Chairman Gillmor moved that the Board find probable cause to believe an unfair labor practice has been committed, authorize the issuance of a complaint, refer the matter to hearing to determine if the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (3) by retaliating against Chris Ensign for exercising guaranteed rights, and direct the parties to ULP mediation. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

12. Case 05-ULP-06-0319 Larry Welage v. Clermont Northeastern
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 retaliating against the Charging Party for engaging in protected activity. The investigation reveals the Charging Party was transferred for reasons other than engaging in protected activity. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

13. Cases 05-ULP-06-0338 Teresa I. Ruby v. City of Columbus,
05-ULP-06-0339 Department of Public Safety

The unfair labor practice charges allege the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (3) by retaliating against the Charging Party for filing grievances. The investigation reveals the Charging Party was disciplined for reasons other than filing grievances. 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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14. Case 05-ULP-05-0310 Columbus Education Association,
OEA/NEA, Jeanne Yungfleisch and
Jennelle Murphy v. Columbus City 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 retaliating against Jeanne Yungfleisch and Jennelle Murphy for exercising guaranteed rights. The investigation reveals the teachers were reassigned and relocated for reasons other than exercising guaranteed rights. It does not appear either teacher received harm. 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

15. Case 05-ULP-07-0396 International Brotherhood of Teamsters,
Local Union No. 377 v. Austintown
Township Trustees, Mahoning County

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (5) by reneging on its assurance that a change in health care providers would not decrease coverage or increase employee costs. The investigation reveals the Charged Party has no obligation to bargain with the Charging Party. The Charging Party is not the recognized bargaining representative under 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

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

On May 5, 2005, the Board dismissed the charge for lack of probable cause. On May 25, 2005, the Charging Party filed a timely Motion for Reconsideration. No new information was provided. Board Member Verich moved that the Board deny the Charging Party's 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

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

On June 23, 2005, the Board dismissed the charge for lack of probable cause. On August 12, 2005, the Charging Party filed a timely Motion for Reconsideration providing new information not addressed in the original investigation.

The original investigation revealed the Charged Party had processed the grievances. A review of the new information demonstrates the Charged Party did stall the grievance process. Vice Chairman Gillmor moved that the Board grant the Charging Party's motion for reconsideration, 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 (6), but not (8) by the Charged Party's repeated failure to timely process grievances, 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

18. Case 04-ULP-10-0569 Lucretia Davis v. David E. McClellan

On June 9, 2005, the Board dismissed the charge for lack of probable cause and as untimely filed. On August 25, 2005, the Charging Party filed an untimely request for reconsideration. Board Member Verich moved that the Board construe the request as a motion for reconsideration and deny the motion with prejudice as untimely filed. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

19. Case 05-ULP-05-0270 Robert J. Swidarski v. Greater Cleveland Regional Transit Authority

Vice Chairman Gillmor moved that the Board dismiss the charge with prejudice because the Charging Party has failed to pursue the matter. 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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20. Case 05-ULP-05-0297 E. Dean Soltesz v. Allison Vaughn and the State of Ohio, Rehabilitation Services Commission

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code §§ 4117.11(A)(1), (3), (4), and (8) by making unprofessional comments during a grievance hearing. The investigation reveals 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 Parties. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

21. Case 05-ULP-06-0356 Northwest State Community College Education Association, OEA/NEA v. Northwest State Community College and Dr. Betty Young, President

The unfair labor practice charge alleges the Charged Parties violated Ohio Revised Code §§ 4117.11(A)(1) and (5) by unilaterally eliminating bargaining-unit positions and assigning their work to non-bargaining-unit employees, and by proposing a retirement incentive in exchange for the withdrawal of previous charges and grievances in retaliation for engaging in protected activities. The investigation reveals no bargaining-unit work was transferred, the elimination of positions is contractual, and the proposal to resolve outstanding grievances and charges 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 Parties. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

22. Case 05-ULP-06-0308 Jay Wollenburg v. William A. Nolan
23. Case 05-ULP-07-0379 Jay Wollenburg v. Bill Nolan
24. Case 05-ULP-07-0380 Jay Wollenburg v. Bill Nolan
25. Case 05-ULP-07-0382 Jay Wollenburg v. Squire, Sanders and Dempsey, LLP
26. Case 05-ULP-07-0399 Clearview Education Association, OEA/NEA and Bobbi Emery v. Clearview Local School District Board of Education

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27. Case 05-ULP-07-0412 Barberton Education Association, OEA/NEA v. Barberton City School District Board of Education
28. Case 05-ULP-06-0328 Edgerton Education Association, OEA/NEA and Wendy Rice v. Edgerton Local School District Board of Education
29. Case 05-ULP-06-0347 Ashtabula Area Teachers Association v. Ashtabula Area City Schools Board of Education
30. Case 05-ULP-07-0426 Thomas R. Watts v. Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO

Board Member Verich moved that the Board construe the letters as motions to withdraw, grant all 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

VI. TABLED CASES

Vice Chairman Gillmor moved that the Board lift the cases from the table. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

- Case 05-ULP-05-0242 Huron Education Association, OEA/NEA v. Huron City School District Board of Education

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1) and (5) by bargaining in bad faith. The investigation reveals the information provided to the newspaper was not a press release, but was the result of a public information request. Board Member Verich moved that the Board dismiss the charge with prejudice for lack of probable cause to believe that an unfair labor practice has been committed by the Charged Party. Vice Chairman Gillmor seconded the motion. Chairman Drake called for the vote.

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

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Case 05-ULP-06-0307

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

The parties have entered into a settlement agreement during post probable cause mediation. Vice Chairman Gillmor moved that the Board construe the settlement as a motion to withdraw and grant the motion with prejudice. Board Member Verich seconded the motion. Chairman Drake called for the vote.

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

Case 05-ULP-06-0327

Youngstown State University Association
of Classified Employees, OEA/NEA v.
Youngstown State University

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1), (2), and (5) by releasing bargaining proposals to the media without prior notice and by failing to bargain in good faith. The investigation reveals the parties had removed the release of information during negotiations from its ground rules. The Charged Party complied with a public information request. 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 _____

Case 05-ULP-06-0345

Youngstown State University Chapter of
the Ohio Education Association v.
Youngstown State University

The unfair labor practice charge alleges the Charged Party violated Ohio Revised Code §§ 4117.11(A)(1), (2), and (5) by refusing to bargain collectively and in good faith over mandatory subjects of bargaining, and by attempting to coerce and/or cause the Charging Party to violate the statute. The investigation reveals the Charged Party did not release any bargaining proposals or negotiations information. 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 _____

